

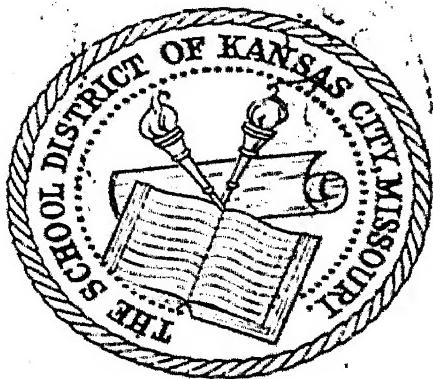
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ANNUAL REPORT  
OF THE  
AMERICAN HISTORICAL ASSOCIATION  
FOR  
THE YEAR 1908

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IN TWO VOLUMES

Vol. II (2)

Diplomatic Correspondence of the Republic of Texas

Part III

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WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1911



EIGHTH REPORT OF THE  
HISTORICAL MANUSCRIPTS COMMISSION.

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DIPLOMATIC CORRESPONDENCE OF THE REPUBLIC OF TEXAS.

PART III.



DIPLOMATIC CORRESPONDENCE OF THE REPUBLIC OF TEXAS.

EDITED BY

GEORGE P. GARRISON, Ph. D.,

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PART III.

CORRESPONDENCE WITH EUROPEAN STATES.

CORRESPONDENCE WITH GREAT BRITAIN.

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CONTRACT OF TAYLOR AND AMES WITH MOORE CONCERNING CERTAIN  
INDENTURED SERVANTS.<sup>a</sup>

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COMMISSION OF HENDERSON AS AGENT TO GREAT BRITAIN.<sup>b</sup>

[Empowering J. Pinckney Henderson as Texan agent to Great Britain to secure the recognition of the independence of Texas.]

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COMMISSION OF HENDERSON AS MINISTER PLENIPOTENTIARY TO GREAT  
BRITAIN.<sup>b</sup>

[Empowering J. Pinckney Henderson as Texan minister plenipotentiary to Great Britain to negotiate a treaty with Great Britain.]

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HOUSTON TO PALMERSTON.<sup>b</sup>

[Asks credence for J. Pinckney Henderson as Texan agent to Great Britain to secure the recognition of the independence of Texas.]

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IRION TO HENDERSON.

REPUBLIC OF TEXAS,  
DEPARTMENT OF STATE,  
*City of Houston, June 25th. 1837.*

To the Hon.

J. PINCKNEY HENDERSON

SIR,

You will receive herewith your Commissions as Agent and Minister Plenipotentiary of this Republic to Great Britain and France.

The recognition of the Independence of the Republic of Texas being the immediate and most important object of your mission you will proceed with the least possible delay to London, for the purpose

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<sup>a</sup> May 28, 1836. See Lipscomb to Barron, November 18, 1840.

<sup>b</sup> June 20, 1837.

of submitting this subject to the consideration of His Majesty's Government.

The ample powers embraced in your Commissions, your intimate knowledge of the wishes and interests of the people, of our political condition and the implicit confidence which the Government reposes in your fidelity, zeal and ability in the service of the country, render detailed instructions on this subject unnecessary.

It seems proper, nevertheless, to remark that in negotiating for this purpose it should be borne in mind that Texas is now absolutely an independent Power, is recognised as such by the U. States, with a civil and military Government in successful operation; that she is fully competent to maintain this attitude among nations, notwithstanding the efforts of her enemies; consequently she has a right to expect to be recognized on the basis of reciprocity, and placed by such acknowledgment on the footing of the most favored nations;—on which conditions you will uniformly insist.

On the subject of Slavery you can say with candor and truth, admitting that its institution was cruel and impolitic, that, under existing circumstances, owing to the peculiar organization of the Government, the nature of the climate, the habits of the people and the locality of the country, it *must* continue as provided by the constitution and laws: at the same it is a striking fact that the condition of slaves in this Republic is far more tolerable than in the U. States, from whence alone they can be introduced. Why then should their emigration be discouraged?

By emigration their condition is greatly ameliorated without increasing the number of slaves.

In the event of success in obtaining the recognition of independence you will then present your credentials as Minister Plenipotentiary, and ascertain as correctly as possible the nature of treaties into which that Government will be inclined to enter with this; report such information and wait further instructions.

It is the desire of the President that you will make the necessary inquiries relative to a Loan, and advise this Government whether it can be effected in Europe, and if so, on what terms.

The President directs that you express to that Government the very friendly disposition of the citizens of this Republic towards the people of England, and their high regard for the Sovereign who presides over that powerful Kingdom.

Should you deem it advisable to visit France for the purpose of soliciting the recognition of our independence by that Power you will observe the same policy as that indicated in regard to England.

Very Respectfully your

obt. Servant

R. A. IRION  
Sec. of State

HENDERSON TO SECRETARY OF STATE [IRION].<sup>a</sup>

MOBILE, July 24. 1837.

Hon. Secy. State

Sir,

After various delays we all arrived in this City safe. Major Allen will detain us two days at the end of which time we will resume our march for Charleston. Dr. Archer and Mr Fisher are with us.

I have directed Mr Toby to have my letters forwarded to Baring Brothers & Co, Bankers, London; such as you send please have them sent through Mr Toby to the same house.

I have written to Gen. Houston and Col. Grayson upon the subject of the Letters of Marque and Reprisals, which Mr Plummer will apply for. I think they ought to be granted to him but with the proper limitation and restrictions and for the reasons I will refer you to the Letter which I wrote to Gen. Houston. I am too much engaged to write at length.

Your Friend

J. P. HENDERSON

IRION TO HENDERSON.<sup>b</sup>

CERTIFICATE OF CARPIOZO.<sup>c</sup>

IRION TO HENDERSON.<sup>d</sup>

DEPARTMENT OF STATE,  
City of Houston, Aug 23d. 1837.

Sir,

I hasten to inform you of the unfortunate capture of the English Brig Eliza Russell, Joseph Russel Captain, bound from Liverpool with merchandize to the port of Sisal, Mexico, by the armed Schooner Invincible;—The circumstances are briefly these: Orders were issued by the Navy Department to Capt. Thompson that he should exercise great prudence and be careful not to involve us with neutral nations; and detain only such vessels belonging to neutral powers as were found on examination to have *Contraband of war on board*; <sup>e</sup> in this case there was nothing of that kind on board, and the Captain clearly transcended the orders given by Government, which

<sup>a</sup> See Records of Department of State (Texas), Book 49, p. 65.

<sup>b</sup> August 3, 1837. See Calendar.

<sup>c</sup> August 11, 1837. See Calendar.

<sup>d</sup> L. S.

<sup>e</sup> A copy of this order, Fisher to Thompson, May 23, 1837, is among the Navy Papers in the State Library.

circumstance made it incumbent, according to the usual custom in such cases on the Executive to investigate the subject, and act finally thereon; which he has done, and ordered her immediate release, and a replacement, from the Custom House at Galveston, of the Ship Stores that had been used. It seems that a part of the crew of the *Eliza Russel* were placed on our armed vessels, which have not yet arrived in Port, but are, however, daily expected.

How this can be excused in a satisfactory manner to the English Government I am unable to suggest and [it] is a subject on which you will have to exercise your discretion.

The circumstances under which the Secretary of the Navy left the seat of Government before your departure, and subsequently embarked on board one of the vessels while on furlough, are well known to you. He appears to have command of our vessels. *He reported the capture of the Eliza Russel and appointed McKinney, Prize Agent* His functions here have been suspended, by the appointment of an Acting Sec'y of the Navy, until his conduct can be fully investigated.

The President not having the power to stipulate with regard to demurrage and damages that may be claimed by Capt Russel, has ordered that his demand shall be submitted to Congress for settlement when it convenes; which will be on the 25th Septr. next.

It now devolves on you, as our representative near the Court of St James, to make a candid and explicit statement of this unpleasant affair, to that Government, and assure them, in the most positive terms, that this Government deeply regrets the occurrence, and that the act was wholly unauthorized.

The Country is quiet and the harvest abundant.

The President is in fine health and spirits. Col. Bee, is appointed Sec'y of War, Doctr. Shepherd, Acting Sec'y of the Navy, and Col Wm. G. Cook, Commissioner for funding the publick debt.

The *armed steamer*, I think will shortly arrive.

Respectfully

Your Obt Servt

R. A. IRION  
*Sec'y of State*

Hon. J. P. HENDERSON

*Agent and Minister plenipo'y  
near the Court of St James*

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AGREEMENT BETWEEN BRITISH HOLDERS OF MEXICAN BONDS AND AGENTS  
OF THE MEXICAN GOVERNMENT.<sup>a</sup>

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<sup>a</sup> September 15, 1837. See Treat to Lamar, February 1, 1840, in Correspondence with Mexico.

HENDERSON TO PALMERSTON.<sup>a</sup>

PALMERSTON TO HENDERSON.<sup>b</sup>

HENDERSON TO PALMERSTON.<sup>b</sup>

HENDERSON TO SECRETARY OF STATE OF TEXAS [IRION].<sup>c</sup>

Legation of Texas  
Despatch No. 1

LONDON ENGLAND

*October 14th. 1837.*

To The Honorable the SECRETARY OF STATE FOR THE  
REPUBLIC OF TEXAS.

SIR

I have the honor to inform you that I arrived in this city on the 9th. instant having been considerably delayed on my Journey hither by unavoidable occurrences, and understanding that Lord Palmerston who had been for some time absent from the city, had returned, I addressed him the following note

"Genl. J. Pinckney Henderson has the honor to inform the Right Honorable Lord Viscount Palmerston that he has arrived in Town with credentials as Agent of the Republic of Texas, and desires to be informed at what hour he may have the honor of paying his respects to his Lordship and delivering the same. He has the honor also to transmit to his Lordship a copy of the declaration of the Independence, and the Constitution of Texas, together with the several acts of Congress organizing the Judiciary of the Republic."

Longs Hotel New Bond St. October 11. 1837.

To this note on the succeeding day I received the following reply

"Lord Palmerston presents his Compliments to General J. Pinckney Henderson and has the honor to acknowledge the Receipt of his note of yesterdays date. Lord Palmerston will be happy to receive General Henderson at this office tomorrow (the 13th. Instant) at 5 o'clock."

Foreign Office 12th. Octr. 1837.

To which I immediately replied as follows

"Genl J. Pinckney Henderson has the honor to acknowledge the receipt of Lord Palmerston's note of to day and will do himself the honor to wait on his Lordship at the time and place mentioned"

Longs Hotel Octr. 12. 1837.

<sup>a</sup> October 11. 1837. See Henderson to Secretary of State [Irion], October 14, 1837.

<sup>b</sup> October 12, 1837. See Henderson to Secretary of State [Irion], October 14, 1837.

<sup>c</sup> L. S.

At the time appointed by his Lordship I repaired to his office and found him ready to receive me, when I approached and handed him my Credentials and observed "I have the honor to be the bearer of this letter from his Excellency the President of Texas to your Lordship, accrediting me as the Agent of that Republic to her Majesty's Government." He took the letter and read it carefully, and then asked me some questions concerning the route which I had traveled from Texas, which I understood to be designed to draw from me the fact, whether or not I had visited Washington City. I replied to this question distinctly that I had only passed by New Orleans, Charleston and Philadelphia to New York in order to sail in one of the New York and Liverpool packets, as the most expeditious route from N. Orleans to this place, with which he was evidently satisfied.

I then observed to his Lordship that the immediate object of my visit was to procure the recognition of the Independence of Texas by her Majesty's Government, and that I hoped to be able to satisfy her Majesty and her Cabinet, that the Government of Texas was capable of maintaining her declaration of Independence, and of performing all of the duties of an Independent Power, and to remove any other objections which might exist. He observed that it was an important matter and one that would require consideration and the action of the whole Cabinet; he then alluded to the treaties which now exist between England and Mexico. To which I replied that I was aware of the existence of friendly *commercial* Treaties between the two countries, but that I was not aware that those treaties contained any clause which would forbid England from pursuing the same course towards Texas which the law and practice of Nations sanctioned in all similar cases, and which she had acted upon in may instances, as in the case of Mexico herself and that I did not consider that England was in any manner bound either by the laws of Nations or by treaties with Mexico to withhold her recognition of the independence of Texas after she was satisfied that the power of Mexico no longer existed in Texas—that there was no rule of National Law, which could compel England or any other Government to deny to itself the opportunity of extending its commerce with Texas or reaping any other advantage which would arise from establishing friendly relations with her as an independent power, barely because a friendly treaty of commerce was in existence between her and Mexico from which Texas had seperated. All of which his Lordship agreed to and observed "That the Government of England has allways acted upon these principles and that Mexico herself had claimed and received the benefit of this Law—that England was governed very much by the same rules in such cases as the United States had adopted." To which I replied that I was aware of that fact and that the United States Government had, after viewing the contest closely

and critically in Texas, and sending a secret Agent to inquire into our situation etc formally acknowledged the independence of Texas; here his Lordship evidently discovered that he had committed himself and his Government, and either feigned or was really ignorant that the United States had formally acknowledged the independence of Texas; but I assured him that such was the fact, and that our Minister had been formally received at Washington

His Lordship then stated some nearly similar reasons to those I myself urged as above stated, showing how England and other powers might regard the claims of Texas to recognition, and why they might be induced to recognize he[r] immediately, but at the same time observed that these were bare suggestions of his mind, and should not be regarded as the convictions of her Majesty's Government. His Lordship then asked me what was the extent of the Territory of Texas—the size of her rivers—the description of her Harbours—Extent of her coast etc etc to all of which I replied in the most particular manner and referred to the Map of Texas which lay on his table. He then asked me what was the number of inhabitants in Texas and their description—to which I replied that I would estimate the number at one hundred and twenty or twenty five thousand, and that the rapidity with which it was now increasing had scarcely a parallel in the settlement of any country, and that they were generally young and enterprizing men, mostly able to bear arms, that in my estimate I did not include the families of our Citizens who had not yet been moved to the country. He then observed that he believed Texas had made application to be admitted into the Union of the North American States. To this I replied that it was true that the people of Texas shortly after the invasion by Genl. Santa Anna and before they had time to view their true situation calmly—when they were much weaker in numbers than are at present and still apprehended danger from another invasion by Mexico, and before the present constitutional Government was organized and put in successful operation, had by a large majority expressed their opinion in favor of Annexation; but that the President of the United States had refused to entertain the proposition, which the Minister of Texas at that Court had made founded on the expression of public sentiment in Texas as above stated. He then observed that he supposed that the disposition of the People of Texas to be annexed to the United States decreased in proportion to their increased confidence in their own strength and ability to maintain their own independence—to which I readily assented and at the same time observed that the people of Texas were aware that they would possess many advantages as an independent Nation, which they could not enjoy as an integral part of the United States—that as an independent Nation, they would not be subject to be agitated by the local jealousies and strug-

gle for political ascendency between the North and the South, which has so long disturbed the harmony of the States—that Texas never could be a manufacturing nor a *commercial* people, at least so far as the *Carrying Trade* was concerned, that it would be greatly to her interest to be able to open her ports to every nation, and invite the manufactures of every country to equal competition in our markets, and exchange with us the manufactured article for the raw materiel, some of which we could supply in the greatest abundance,—that as an independent power, we would be free from the operation of the protective Tariff which had so long oppressed the Southern planting States of the Union, that England then could come into our markets on a perfect equality with the Northern States and that considering the low price of labor in this Country, they could drive from our markets the manufactured articles of all other countries and also engross the carrying trade of Texas,—that the great abundance of the best live oak in the world, which was to be found near the sea coast on all of our Rivers, would furnish increased facilities to any country which traded with us for ship building. To all of which his Lordship gave his most profound attention. He then enquired of me concerning the amount of cotton Lands in Texas—to which I answered that we had more good Cotton land, than was to be found in the whole United States and that in twenty years we could produce more Cotton and of a finer staple than was now raised in the United States. He then observed rather archly that he believed we had abolished slavery in Texas. To which I replied that such was not the case, and that notwithstanding Mexico had long since abolished slavery throughout her whole dominions on *paper* that it was nevertheless true, that that Government permitted it still to exist in Texas; and at least indirectly sanctioned the introduction of slaves into Texas from Africa through the Spanish West Indies, and that when Texas was compelled to separate from Mexico and assume the reins of Government she found herself in her present peculiar situation so far as slavery in that country was concerned—that inasmuch as a portion of her citizens were found with slaves in their possession, some residing in the heart of the Republic, others near the Borders of the United States, on what was considered to be disputed territory and ready either to profess allegiance to Texas and assist in putting down the usurpations of Mexico, or to claim protection from the United States, it was deemed best to allow things to remain as they found them and not do any act which would weaken the strength of the revolutionary party—that the Government of Texas had remedied the evil as far as it safely could under the circumstances in which it found itself placed at the commencement of the Revolution,—that it had done away with the *greatest* evil which existed, whilst we were under the Government of Mexico in regard to

slavery in Texas, which was the introduction of *African* slaves, an evil which Mexico permitted, if she did not also encourage<sup>a</sup>—that our constitution forbid the introduction of slaves from any other part of the world except the United States of North America and that by a law of Congress passed at the first session of the first Congress of Texas, the penalty of death was imposed upon any person who should introduce a slave from any other country than the United States, and that in all cases where slaves were brought even from the United States to Texas, they must have been slaves according to the laws of the State from which they were brought, that notwithstanding a few slaves had been taken into Texas from Africa, through Cuba whilst we were under the Mexican Government, yet none had been taken in since the people of Texas had taken the Government into their own hands, that Mexico never had the ability or the disposition to put a stop to the African slave trade in Texas—that even regarding the situation of Texas alone on this subject the philanthropic mind would find more abundant reasons to favour the continuance of the present authorities, than encourage the re-establishment of the dominion of Mexico over us—that we had requested the Government of the United States to guard the coast of the Gulf of Mexico, whilst our navy was otherwise engaged so as to prevent the possibility of the introduction of African slaves into Texas.

His Lordship then observed that this would be a serious question to be considered in her Majesty's Cabinet in passing upon the application which I was making to be recognized and that he supposed that I was aware that this question had already been agitated in Parliament.<sup>b</sup> To this I answered that I was informed of that fact and that I hoped if the question was again brought up in either house his Lordship would cause to be laid before the house the above statement of facts. To which he replied "that it would be considered of". He then stated that Mexico had emancipated all slaves in Texas by a late decree. I replied that I was not aware of that; at least if I had been informed of it, it had escaped my memory and further observed that the Government of Mexico would be doing more for its National Character if it would release, or attempt to release their Citizens who were now in captivity as prisoners of war in Texas. He smilingly rejoined that I appeared to have a great contempt for the Mexicans. I answered that I thought their Character warranted my opinions. He then enquired closely of their habits, physical ability etc etc. His Lordship then remarked that he had within a few days past received a communication from some citizen of London complaining that a

<sup>a</sup> Cf.—*Political Science Quarterly*, XIII, 408 ff.

<sup>b</sup> See *Niles' Register*, LI, 38-40.

<sup>c</sup> For the decree, see *Dublán y Lozano, Legislación Mexicana*, III, 352.

vessel belonging to English citizens, had recently been captured on the coast of Mexico by some Texian Cruisers<sup>a</sup> and asked me if I knew anything of the fact. I replied that I had previous to my departure from New York, seen such a statement in a newspaper of the United States opposed to the cause of Texas, but that I had received no intelligence which I could rely on concerning the same, that I doubted the truth of the publication and that if a vessel claimed by English citizens had been captured, I could only say, that I supposed it had on board contraband goods; but if upon investigation it appeared, that any injustice had been done to the rights of British subjects, I could assure his Lordship from my knowledge of the disposition of the people and Government of Texas to cultivate and secure friendly relations with England that the most ample and speedy reparation would be made either to the individuals interested, or to the Government if it should involve a point of national honor. His Lordship again observed that the application which I had made, was one of importance and one which he could not take upon himself to answer, but that he would as speedily as possible lay it before the Cabinet—that such matters required consideration and he must ask me to have patience with him. I then asked his Lordship to say what was the earliest period at which I might expect an answer to my application. He answered that inasmuch as most of the Ministers of State were still absent in different parts of the Kingdom, it would be delayed until the 1st. of November, but that he would in the meantime acquaint them of my arrival and the nature of my business. I then observed that perhaps it was proper at that time to inform his Lordship that I was also the bearer of Credentials from his Excellency the President of Texas, constituting me Minister Plenipotentiary from that Republic to the Court of St. James, which I would at the proper time ask leave to deliver. After some conversation upon the general subjects touching Texas, his Lordship asked me what could be said in favour of the ability of Texas to maintain her declaration of independence when he laid her claims before the Cabinet—that it might be urged against her that notwithstanding she now had the possession of the Government de facto, yet inasmuch as Mexico was so much the most powerful nation, she might reconquer Texas. To which I replied, that in addition to the reasons which I had already given, I would mention, that the people of Texas under their present organization had defeated the whole Mexican Army which had been marched into their Country, consisting of between Eight and Nine thousand men—their choice troops, by capturing their president and commander in chief together with the whole of that division which he commanded in person at the Battle of San

<sup>a</sup> See Irion to Henderson, August 23, 1837.

Jacinto, and driving the balance of their force before them entirely without the limits of Texas—that the whole Army of Texas at that time, under the command of Genl. Houston the commander in chief did not exceed eight hundred men—that in the Battle of San Jacinto the Mexican Genl's. force outnumbered the force under Genl. Houston more than two to one—that there the loss of the former was exceeding seven hundred killed and the balance taken prisoners—that the loss of the latter was seven killed and fourteen wounded—that it was true as stated by his Lordship, that Mexico far exceeded Texas in numerical strength, but that every combat between the two parties proved the entire superiority of the Texians in arms,—that we had fought them in the open field, in the woods, and in their strongest fortifications—that on every occasion they had outnumbered us from two to ten to one—that in every engagement we had been successful either in repelling or capturing the enemy except in the single case of the fall of the Alamo and that on this occasion the Texian force was 186 men, who were attacked by between four and six thousand Mexicans and held out against them for near two weeks—that the loss of the Mexicans in that seige was about 1300 men <sup>a</sup>—that since the capture of Genl. Santa Anna on the 21st. March <sup>b</sup> 1836 and the retreat of the Balance of the Mexican Army under Genl. Filisola, there had not been a hostile Mexican within the limits of Texas—that the constitutional Government of Texas was and had been in successful operation for twelve months, with every department perfectly organized—that if Texas was able to defeat the whole army of Mexico, consisting of 8000 of her chosen troops, capture and hold as a prisoner of war her President, and commander in chief for more than 6 months, and that too in the neighbourhood of his own dominions, where it might be said that nothing more than an imaginary line seperated the two republics, and with a force of only 800 men, I presumed no one would doubt her ability to defend herself now, when she could call into the field at any moment ten thousand soldiers—that the reason why Texas had not again been invaded by Mexico, was not because no efforts had since been made by the authorities of that country to effect that object, but because they could neither command the men nor money—that for more than 12 months, they had been exerting their utmost efforts to concentrate a force at Matamoros sufficient for that purpose, but that they never had been able to collect and keep together more than 3000 men at any one time and that the fear with which they had been stricken by the Texians during the last invasion was spread throughout all Mexico, and operated upon officers as well as men,—that they were aware of our increased and increasing strength, that they were a weak, ignorant,

<sup>a</sup> Cf. figures given by R. M. Potter in *Magazine of American History*, 11, 15-16.  
<sup>b</sup> Inadvertently written for April.

and degraded race, and heretofore had no proper conception of their own weakness, because notwithstanding they had been involved in wars for many years, yet their contests were confined to battling with each other—that the history of that country ever since its separation from Spain proved that it was doomed to perpetual revolutions and that at this moment the contest between the two individuals Santa Anna and Bustamente<sup>a</sup> would involve the country in a revolution for years to come and which would in itself be a sufficient obstacle to prevent another invasion of Texas by that power,—that these were some of the many reasons, which might be urged in favor of the application which I had the honor of making, and which I hoped his Lordship would do the government which I represented the justice of laying before that of her Majesty on the occasion above alluded to, and inform me at the earliest possible period, of the result of the conference; to which he politely consented.

The Right Honble. Secretary honoured me with a conference of two hours. The above statement contains all the conversation of importance that passed between us, and I have been thus particular in relating it to your honour, as well to enable you to draw your own conclusions with regard to the prospects of my success here, as to place it in the power of his Excellency the President to judge of the manner in which I discharged the duties of my station, that he may instruct me in whatever he would have me say in addition.

During the interview much other conversation passed between his Lordship and myself in relation to Texas, which I thought clearly evinced the interest which had been excited in his mind by an investigation of her situation.

Since the meeting of his Lordship and myself, I have concluded to address a letter to him setting forth all the arguments I can bring forward, in favour of the application which I have made and request him to lay it before the Cabinet on the occasion of their meeting, and will in due time despatch to your honor a copy of the same.

Having been informed previous to my departure from N. York that by a decree of the Mexican Government of April last, she had proposed to settle the claims of the British Stockholders of the various loans obtained in England by paying a part of the same in Land to be located in Texas and having seen in the newspapers of this city, that these terms had been partly accepted by the persons interested in England, and that the 16th. instant was the day fixed upon for all such as were willing to accept these terms to come forward and make the same known, I asked Lord Palmerston if the Government of England had any *direct* interest in these claims, or had given her sanction to these proceedings. To which he replied

<sup>a</sup> Bustamante.

that she had not. I will this day address a letter to F. De Lizardi & Co who are the Agents appointed here on behalf of the Mexican Government informing them of the destruction of the sovereignty of Mexico over Texas and protest on the part of Texas against the proceeding, so far as she is concerned and request them to lay it before the Stockholders; this will I hope at least embarrass the negotiations of Mexico here for a new loan, which I am informed will be attempted shortly upon the faith of this *satisfactory* Settlement of their former loans. In this communication I will be as mild and conciliatory as possible towards the citizens of England who are concerned, in order to prevent any excitement being raised against Texas at this critical time, and I presume my communication will not be published here out of the circle of those concerned.<sup>a</sup>

His Lordship not having mentioned anything of Mr. Crawford or his mission to Texas I deemed it best not to allude to it during the interview; having thought he might regard it as betraying too much intimacy with a matter that was supposed to be a secret<sup>b</sup>

I have the honor to subscribe myself  
with sentiments of the highest  
consideration

Yours etc etc

J PINCKNEY HENDERSON

HENDERSON TO LIZARDI & CO.<sup>c</sup>

HENDERSON TO PALMERSTON.<sup>d</sup>

HENDERSON TO PALMERSTON.<sup>e</sup>

PALMERSTON TO HENDERSON.<sup>f</sup>

PALMERSTON TO HENDERSON.<sup>g</sup>

<sup>a</sup> Cf. Catlett to Henderson May 7 and May 25, 1837, in Correspondence with the United States in Part I.

<sup>b</sup> Mr. Crawford reached Texas in April, 1837, presumably for the purpose of investigating the civil and political conditions in Texas and of reporting upon them to the British Government. See the *Telegraph and Texas Register*, May 2, 1837.

<sup>c</sup> October 16, 1837. See Henderson to Irion, November 5, 1837.

<sup>d</sup> October 26, 1837. See Henderson to Irion, November 5, 1837.

<sup>e</sup> October [26], 1837. See Calendar.

<sup>f</sup> October 31, 1837. See Henderson to Irion, November 5, 1837.

<sup>g</sup> October 31, 1837. See Calendar.

HENDERSON TO IRION.<sup>a</sup>

Despatch No. 2

LEGATION OF TEXAS

LONDON ENGLAND

November 5th. 1837.

To the Honorable R. A. IRION

*Secretary of State*

SIR

In despatch No. 1, I mentioned to your honor that I would in a few days from that time address a communication to Lord Palmerston, setting forth the grounds upon which Texas founds her claims to be recognized as an Independent Nation; I have now the honor to forward you a copy of the same together with his Lordships note acknowledging the Receipt of my Letter.

To the Right Honorable Lord Viscount PALMERSTON.

MY LORD

Since the interview with which your Lordship honored me on the 13th inst. I have concluded to address this communication to your Lordship, setting forth the reasons upon which the Republic of Texas, which I have the honor to represent, founds her claim to be recognized as an Independent Nation, and request your Lordship to do my Government the favour of laying the same, before her Majesty's Cabinet at the earliest period at which it may be convenient.

The Government of Texas bases her claims to recognition as an Independent Nation upon the fact that she is so, *de jure* and *de facto*. That Texas is *of right* an independent nation will clearly appear by an examination into the history of that country, the rights of her citizens, and the causes which impelled them to a separation from the Mexican Republic. But a few years since, Texas was a wilderness, inhabited only by wandering tribes of Savage Indians, who being excited by the injustice done them, waged a constant and destructive warfare, against the Spanish settlements bordering on the then Province of Texas. In order to put an end to the depredations of these Indians, which had so much retarded the prosperity of the Spanish Colonies in that region, the Government of Spain opened this province for settlement and invited foreign enterprize to the country; the inducements held out were such as to induce many American Citizens and other Foreigners, immediately to accept the offer. The first Colony which was settled in Texas was by Col. Stephen F. Austin under a grant from the Crown of Spain to his Father, Moses Austin Esqr. previous to the separation of Mexico from that Government. The first settlement under this grant was A. D. 1821; this settlement was not effected without much risk and

difficulty; but the Indian inhabitants were gradually appeased by the just and kind treatment which they met with at the hands of the Texans.

At the time when the other provinces of Mexico declared their independence of the Crown of Spain, Texas joined with them, and when the Federal Constitution was adopted A. D. 1824, the other Provinces each retained to themselves a State Government and constitution, after giving up such powers as were necessary to the Federal Government. In the Congress or Convention which formed the Federal Constitution, Texas by her representatives retained all of the powers which were incident to the different Provinces or distinct Sovereignties, which composed that body; but not possessing at that time, sufficient population, to warrant her in establishing a separate State government. She by her own consent, was provisionally annexed to the adjoining province of Coahuila, and the two formed the State of Coahuila and Texas "Until Texas possesses the necessary elements to form a separate State of herself."<sup>a</sup> Such are the words of the Constitutional or organic act passed by that Congress or Convention of Mexico on the 7th. May 1824. According to the acts of this Convention, Texas by the consent of the other States of Mexico, retained to herself a specific political existence, with well defined rights of self Government, as a State of the Mexican Confederacy, whenever she possessed the necessary elements. To this agreement or contract the Government, or other provinces of Mexico form one party, and Texas the other; which contract neither could rightfully destroy, without the consent of the other. How far this contract has been faithfully observed by each party, I will now proceed to show. With but a few short intervals, the people of Texas and the other friends of order throughout Mexico, have been compelled ever since the separation of that country from Spain, to keep up a perpetual war against the several ambitious military chieftains, who have each in their turn attempted to overthrow the Constitution and establish in its stead a military despotism. Iturbide by corruption and violence established an imperial Government, without the consent of the people, who deposed and banished him and adopted the Federal Republican System; Genl. Iturbide returned to the country and was put to death, and Victoria was elected president, who served only four years, during all of which time the country was distracted with conspiracies and civil wars. Genl. Pedroza<sup>b</sup> was next chosen President. He was dispossessed of his office by violence and Guerrero<sup>c</sup>

<sup>a</sup> The State as first formed included Nuevo León, Coahuila, and Texas; but by the separation of Nuevo León it became composed of Coahuila and Texas. See Gammel, *Laws of Texas*, I, 61, 73.

<sup>b</sup> Pedraza.

<sup>c</sup> Guerrero.

appointed to fill his place. Guererro was scarcely seated in office, before Genl. Bustemente made war against the Government, deposed Guererro put him to death—assumed the reins of government and destroyed the Constitution. In the year 1832 Genl. Santa Anna then the leader of the Constitutional party, opposed the usurpations of Bustemente, succeeded in putting him down, banished him from the country and was himself elected President by the friends of the Constitution of 1824. All of these revolutions took place in the short space of nine years and in every instance the citizens of Texas adhered to the Constitutional party.

In the year 1833, the people of Texas who had assisted in putting down Bustemente—restoring the Constitution of 1824 and placing Genl. Santa Anna at the head of the Government, believing him to be disposed to administer the Government according to the Constitution, assembled in Convention and finding that they possessed the necessary elements required by the Constitution to entitle them to a State Constitution and Government, accordingly drew up an humble and respectful petition to the general Government, praying to be permitted to organize a State government according to the terms of the Federal Compact. A Commissioner—Col. Austin was appointed to lay the same before the Mexican Government, which he did in the most respectful manner. But it seems Genl. Santa Anna had already determined to destroy all of the State Governments, and he caused the petition to remain unanswered and unattended to, and for some pretended offence imprisoned the commissioner who bore the petition for fifteen months, without informing him of the nature of the charge alledged against him. These acts of injustice, together with the constant revolutionary state of Mexico since its separation from Spain, in which that people clearly evinced their entire incapability of Self Government were causes sufficient to have justified the people of Texas, in dissolving all political connection with them. They still however under all of these discouraging circumstances, forbore, with the hope of sustaining the constitution of 1824, and securing their rights under it; but in this they were disappointed. Genl. Santa Anna, who had heretofore been the leader of the Republican party, now became the leader of the party he formerly opposed—prostrated the Constitution, destroyed the Federal System, and dissolved the Federal Compact. This he effected by a military order issued in May 1834, by which he dissolved the Genl. Congress of the Republic, which was opposed to his ambitious views, before its constitutional term had expired. By another military order which issued from the same source, a new, unconstitutional and revolutionary Congress was assembled on the 1st. of January 1835 which deposed the Vice President Gomez Farias who was a Republican, without trial or impeach-

ment and elected another—Genl. Baragan<sup>a</sup> in his place, and established a consolidated central Government.

Against these acts the State of Texas and Coahuila, through their Legislature protested—they were also openly resisted in the States of Puebla, Oaxaca, Mexico, Jalisco,<sup>b</sup> Zacatecas and other parts of the Republic; but they were forced to submit to the Revolutionists, who had under their command the regular army, with all of the arms and munitions of war in the country. For protesting against these usurpations the Legislature of Texas and Coahuila was dissolved by an armed force, sent by the government of Mexico for that purpose, and the Governor and many of the leading members were imprisoned by Santa Anna.

With all these acts of oppression the people of Texas bore, remonstrating only and petitioning for relief, until the month of October of that year (1835) when Genl. Cos with a military force was sent to Texas to enforce the revolutionary measures of Santa Anna, when they took up arms in defence of their rights and on the 7th November of that year in a general consultation, declared their determination to restore and adhere to the Constitution of 1824, and called upon the other States to assist them. And it was not until March 1836, after the other States had been forced to submit to these usurpations, for the want of arms and the energy to procure them—After Genl. Santa Anna had marched in person at the head of a numerous army into Texas, made war upon the citizens and declared by words and acts, that it was a war of extermination, that the people of Texas declared their political connection with Mexico to be at an end. The people of Texas were satisfied to remain an integral part of the Mexican Confederacy, so long as that Government administered their rights, according to the Constitution of 1824; but that was no longer practicable because Genl. Santa Anna had destroyed the Confederacy, and established in its stead a military despotism. They were thus compelled either to submit to his revolutionary measures, or separate themselves entirely from that Government. They chose the latter. How far they were justifiable I now submit to the consideration of your Lordship and the other members of her Majestys Cabinet.

But perhaps the only question which your Lordship may think it necessary to decide, in the present case, is whether or not the Government which I have the honor to represent, is the Government of Texas de facto. That such is the case, and that it is not only the Government in fact, but that it is capable of sustaining itself and discharging all the duties of an independent government will I think most clearly appear from an examination of her history and acts for the last two years to which I must again beg leave to call

<sup>a</sup> Barragán.

<sup>b</sup> Jalisco.

your Lordships attention. When Genl. Cos was sent into Texas by Genl. Santa Anna in October 1835 with a military force of about 1500 men, to enforce the unconstitutional and revolutionary measures of the President of Mexico, he with 1300 soldiers took possession of the Alamo, a strong fortress at the town of San Antonio De Bexar, in which he was attacked by less than 300 of the Texas Militia, and after a feeble resistance he surrendered the fort and the whole force under his command; <sup>a</sup> all of whom were released upon parole and allowed to return to Mexico, on condition that they would not return to fight against Texas in that struggle. In the month of Jany. 1836 the President of Mexico, Genl. Santa Anna, invaded Texas at the head of eight thousand of the best troops of Mexico, attacked the Alamo which Genl. Cos had surrendered in November and which was now garrisoned by 186 Texians, and after a siege of thirteen days and a loss of between twelve and fifteen hundred men, he succeeded in retaking the fort, and put every man to the sword. He then moved on to Goliad a small town, which was in the possession of about 300 Texian Soldiers, commanded by Col. Fannin, who in his retreat, was overtaken in an open Prairie by the Mexican Cavalry; he succeeded in defending himself against them altho' greatly his superior, in numbers. In the mean time the rest of the Mexican Army arrived, and the Texians having expended all their ammunition, accepted of the terms proposed by the Mexican Commander and surrendered, with the written stipulation that they should all be discharged upon parole; this agreement was cruelly violated by Santa Anna, who after having kept them for eight days as prisoners of war, caused every man to be put to death, except the very few who made their escape by flight when they were marched out to be murdered. The people of Texas had not expected so rapid an invasion from Mexico, and were consequently unprepared, but on the 21st. of April Genl. Houston the commander in chief of the Texian army, then consisting of only 800 men hastily collected together attacked one division of the Mexican Army which was commanded by Genl. Santa Anna in person, and consisted of 1700 of his chosen troops—Slew more than 700 on the field of battle and took all the balance prisoners, together with their President and commander in chief Santa Anna. The loss of the Texians in this battle was 7 killed and 22 wounded. The rest of the Mexican Army about 4500 in number were driven out of Texas, by such a part of the army of Texas as could be spared to follow them.

I have been thus particular in detailing the history of the war in Texas, in order to show the entire inefficiency of the Mexican people,

<sup>a</sup> The fighting did not center, as the narrative implies, at the Alamo, which was then without the city, but in the group of buildings at that time composing the town further west.

and the impossibility of their ever conquering Texas; because if the most renowned general of Mexico, at the head of 8000 of her choice troops, was unable to contend successfully with Texas, whose army equalled in number but one tenth part of his own, would it be reasonable to suppose, that at the present time when Texas can call into the field, ten thousand men, whose confidence has been increased by the success of the arms of their countrymen against Mexico, and that of the Mexicans diminished by the same cause, Mexico can succeed in reconquering Texas? Or would it be just to answer Texas when she asks to be recognized as an independent nation, that she may be reconquered by Mexico? It is true that the people of Mexico had gained abroad the character of a brave and warlike people, and a moments reflection will explain how this misconception of their character has happened. Their warring heretofore has been confined to battling among themselves, where all were alike weak and inefficient. They have never, before they waged war against Texas, fought a foe of foreign blood. The people of Mexico fight now to enforce the unconstitutional decrees of a government for which they have no affection. The people of Texas oppose them, to sustain their natural and constitutional rights.

Since the defeat of the Mexican Army and the capture of their commander in chief Genl. Santa Anna more than eighteen months have expired, and notwithstanding that government has used all available means, she has not been able to collect together at any one time more than 3000 men for the purpose of reinvading Texas. Her soldiers are aware of the increased and still rapidly increasing strength of Texas, and they will not consent to move against her and their government has not the ability to force them. Genl. Santa Anna has been set at liberty by the government of Texas unconditionally and is now in Mexico. During his captivity in Texas, Genl. Bustemente who was in exile returned to Mexico, and was elected President before Santa Anna's term had expired. The same spirit of revolution which has ever reigned in that Republic, still exists, with Santa Anna again to keep it alive. Genl. Bustemente dares not march any part of his army out of Mexico, because if he did so, Santa Anna would then depose him. After Genl. Santa Anna was released by the Government of Texas and had arrived in the United States, he frequently admitted that Mexico could never conquer Texas; and that it was the interest of both nations to separate Texas from her, which he said should be done if he were restored to power.

Texas possesses every necessary element to qualify her to perform the duties of an Independent Government. She has adopted a Constitution and form of Government, suited to her situation, every department of which has been organized and in successful operation.

for more than twelve months; Congress has met twice and transacted all necessary business, and will soon meet again.

The Government of the United States after sending a secret agent to Texas to enquire into her situation, power etc. and after viewing the prospect of Mexico to reconquer Texas, formally recognized the Independence of Texas on the 3d of March last, appointed a minister to her Government and received her minister in due form. In recognizing the independence of Texas, the United States acted upon the same rule, which she had adopted in the case of Mexico herself, when that republic separated from Spain; a rule which she had learned from England herself. The Government of the United States doubtless delayed the recognition of the independence of Texas, beyond the time when she was convinced that Texas was independent de facto and capable of maintaining herself, because that Government was apprehensive that the Nations of Europe might regard such an act, as evincing a partiality for Texas. But after she saw the last efforts of Mexico during the last winter to invade Texas fail, she could no longer with any apparent justice, withhold her recognition.

Notwithstanding from these facts it appears, not only that the Government which I have the honor to represent, is the Government de facto of Texas, but that it is also capable of maintaining its independence, yet it may be necessary now to anticipate and remove an objection which has been sometimes raised against her, by those who are not acquainted with her true situation and history. The difficulty to which I allude is the question of slavery in Texas. At the commencement of the war in that country, many of he[r] wealthiest and most influential citizens were found possessed of slaves. At a time like that, when she was just entering into a contest, so unequal as it then appeared to be, all parties deemed it necessary, so to act, as to secure in the struggle the assistance of every citizen of the country; consequently, each citizen who was found possessed of slaves under the Mexican Government, was permitted still to hold them under the new Government. Notwithstanding the Mexican Government had abolished slavery *upon paper*, yet she permitted her citizens not only to purchase and hold slaves which had been born such, in the United States and other countries, but she permitted them to import *African* slaves through the Spanish West Indies. During the time that Texas was under the Mexican Government, there were taken into that country two cargoes of African slaves consisting of about 75 each. This the government of Mexico was neither able nor willing to prevent.<sup>a</sup> But since the people of Texas have taken the government into their own hands, not a single African slave has been taken into the country; the Constitution of Texas forbids it,

<sup>a</sup> *OJ. Quarterly of the Texas State Historical Association*, IV, 97-99.

and by a law passed at the first session of the first Congress of that country, the penalty of death is imposed upon any person who violates this clause of the Constitution. Texas has shown herself able and willing to abolish the African slave trade within her dominions—Mexico was not. Texas has abolished the most offensive feature of slavery. Mexico permitted if she did not encourage it. According to the Constitution and Laws of Texas, the *number* of slaves in the world cannot be increased; consequently the Government of Texas is less objectionable on that ground than that of Mexico. Texas has abridged slavery in that country—its entire abolition will be the work of time.

I must now ask leave of your Lordship to advert with due deference to some of the many advantages which would result both to England and Texas, by the establishment of a commercial treaty between them.

Texas comprehends a territory of three hundred and fifty thousand square miles, with a soil and climate peculiarly adapted to the production of Cotton, Silk, Indigo, Rice, and Sugar. For these articles she must seek a market. She cannot expect to be permitted to carry them into the markets of the United States, upon favorable terms, because one third of the States of that Union are engaged in cultivating these articles. To England then must Texas principally look to find purchasers for the products of her soil; in exchange for which she would receive the manufactured articles of this country, as she can never become a manufacturing people; Texas will confine herself to the production of the raw materiel. Her Markets will be open equally to the manufactures of every country. England will chiefly supply her demands, because here the manufactured articles can be purchased cheaper than in any other country. In the natural course of things, it must happen that England and the United States will at some future day, be at war with each other; in which event the English manufacturers would not be cut short in their supplies of such raw matériel, as they have heretofore been principally dependent upon the United States for. Texas could supply them, whilst she would receive an increased price for the same. The carrying trade of Texas must be done by the citizens of other countries. This too England may secure. Another advantage which would result to both nations from a commercial treaty, and which perhaps is not less important than those already mentioned would be derived from the very great abundance of the best Live oak in the world, which is found on all the water courses of Texas near the Sea Coast. Of this article Texas can supply any quantity sufficient to build up the ships of England, to any extent necessary to maintain her present superiority over every other nation at sea; while the citizens of

Texas would find a ready market for this article, which is at present only an encumbrance to their estates.

The citizens of Texas at a time when they were much weaker in numbers than they are at present and with a view to the speedy termination of the war with Mexico, expressed a willingness to be attached to the government of the United States. Founded upon this expression of public sentiment, the minister of Texas submitted the proposition to the President of that Government, to annex Texas to the United States; which proposition was rejected by him. The people of Texas being now satisfied that they have no reason to fear Mexico, and considering the many advantages they would enjoy as an Independent nation, which they would be deprived of if they were annexed to the U. S. and subject to the protective Tariff and other laws of that government which operate against the Southern planting States, are now desirous of remaining so and forming commercial treaties with other countries.

It may be proper to observe that in addition to the credentials which I have had the honor of delivering to your Lordship, as Agent of the Government of Texas, I have the honor to be the bearer of other credentials, as minister plenipotentiary from that Republic to her Majestys Government, which in due time I will ask leave to present.

I cannot close this communication without congratulating your Lordship and the whole English nation upon this prospect of extending the Anglo Saxon Blood, Laws and Influence in this South Western Region of the Western World, which must so much redound to the greatness influence and commercial interest of England and promote the future peace and prosperity of that country

I have the honor to be with sentiments of the highest consideration  
Your obt. Sevt.

J. PINCKNEY HENDERSON

London Octr. 26. 1837.

To this communication I received the following Reply—

Lord Palmerston presents his compliments to General Pinckney Henderson and has the honor to acknowledge the receipt of his letter of the 26th. instant, setting forth the reasons upon which the State of Texas founds her claim to be acknowledged as independent; and Lord Palmerston will not fail to lay this statement before the British Cabinet, agreeably to Genl. Hendersons wish

Foreign Office—October 31. 1837.

[Here are transcribed copies of Henderson to Palmerston, October 26, 1837; and Palmerston to Henderson, October 31, 1837.<sup>a</sup>]

<sup>a</sup> For these letters see Calendar.

I have also stated to your honor heretofore that the minister and agents of the Mexican Government had proposed to the citizens of England who hold bonds on that Government, to pay a portion of the same in land to be located in *Texas and other parts of Mexico* and that the proposition would probably be accepted by a part of the Bondholders; and also that I would address Lizardi & Co a note protesting in the name of Texas against that proceeding; which I did in the following words

To Messrs. F. DE LIZARDI & Co

SIRS

Having seen since my arrival in this city a publication in the Newspapers in which you state that as the Agents of the Mexican Government, you will attend at your Counting Room in London from day to day after this date for the purpose of carrying into effect the agreement which the Mexican Bondholders of several loans effected in London at 5 and 6 pr. ct. made with you on the 14th. day of September Ult. according to the terms of the decree of the Mexican Government of April 12, 1837. And having also seen by referring to said decree, that it is proposed to pay a part of said bonds, in lands to be located in Texas etc—And knowing as I do the disposition of the government and people of Texas to establish and preserve the most friendly relations with the Government and Citizens of England, and the tendency which an attempt to carry any part of the before stated agreement into effect in Texas, would have to interrupt the good understanding between those concerned—I the undersigned Agent and Minister plenipotentiary of the Republic of Texas to the Court of St. James, do therefore hereby notify you and all others whom it may concern that the Sovereignty of Mexico over Texas no longer exists—That the people of Texas having on the 7th. day of November 1835 assumed the reins of Government in that country and subsequently declared their independence and entire separation from Mexico, and established the present constitutional government, no grant or sale of Land in Texas made by the Government of Mexico, since the said 7th November 1835 will be regarded as valid by the present government of Texas.

I also, in the name and by the authority of the government of Texas, do hereby most solemnly protest against all such proceedings in pursuance of the said contract and decree, so far as they may affect the Rights of that Republic

I have the honor to be

Your obt. St

LONDON

October 16. 1837.

J. PINCKNEY HENDERSON

\* See Henderson to Secretary of State, October 14, 1837.

To this communication I have as yet received no answer. The absent Members of the Cabinet returned to the City last week and it is understood here that they have within a few days back, held a meeting at which I expect Lord Palmerston delivered the communication, herein above set forth. I have not been informed by his Lordship of the result of their deliberations upon it, nor do I much expect to hear until the meeting of Parliament, which takes place on the 15th. inst. I will however promptly inform your honor when I shall have heard from him on this subject.

Should Lord Palmerston not answer me within a reasonable time, I will again call on his Lordship, and urge in a proper manner an answer.

I have the Honor to Remain  
with sentiments of high regard  
Your obt. St.

J. PINCKNEY HENDERSON

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PROTEST OF JOSEPH RUSSELL AND OTHERS.<sup>a</sup>

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HENDERSON TO PALMERSTON.<sup>b</sup>

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HENDERSON TO PALMERSTON.<sup>c</sup>

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PALMERSTON TO HENDERSON.<sup>d</sup>

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TOLME TO PALMERSTON.<sup>e</sup>

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HENDERSON TO IRION.<sup>f</sup>

Legation of Texas  
Despatch No. 3.

LONDON December 22. 1837

To the Honorable R. A. IRION  
*Secretary of State*  
SIR

Not having received a reply to the communication, which I made to this Government through Lord Palmerston on the 26th. October (a copy of which I forwarded to your Honor in Despatch No. 2.) I deemed it expedient to address to Lord Palmerston on the 6th Inst. the following note of enquiry.

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<sup>a</sup> December 2, 1837 (extract). See Calendar.

<sup>b</sup> December 6, 1837. See Henderson to Irion, December 22, 1837.

<sup>c</sup> December 15, 1837. See Henderson to Irion, December 22, 1837.

<sup>d</sup> December 18, 1837. See Henderson to Irion, December 22, 1837.

<sup>e</sup> December 20, 1837. See Calendar.

<sup>f</sup> L. S.

LONDON December 6th, 1837  
No. 166 Albany St. Regents Park.

MY LORD

The Undersigned Agent of the Republic of Texas, has heretofore had the honor, in a personal conference, to apply on the behalf of his Government, to Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, to procure the recognition of the Independence of the Republic of Texas, by Her Majesty's Government, as declared by that republic on the 2d. day of March A. D. 1836. The Undersigned also begs leave to remind Lord Palmerston that he did subsequently address to him, a written communication, setting forth the Grounds upon which the Republic of Texas, claims to be recognized as an Independent Nation; which Lord Palmerston did him the honor to assure him, should be laid before Her Majesty's Cabinet on the occasion of their meeting. The Undersigned has now respectfully to request Lord Palmerston, to inform him whether Her Majesty's Government have yet had the subject under their consideration; and if so, what decision they have made upon the application. The Undersigned takes this occasion to renew his considerations of Profound respect

J. PINCKNEY HENDERSON

To the Rt. Honble. Lord Viscount PALMERSTON

*Her Majestys Principal Secretary of State for Foreign Affairs*

After waiting until the 15th. Instant, I again addressed him as follows—

LONDON December 15. 1837  
No. 166 Albany St. Regents Park.

MY LORD

The Undersigned Agent of the Republic of Texas, had the honor on the 6th. Instant to address to the Rt. Honble. Lord Viscount Palmerston, Her Majestys Principal Secty. of State for Foreign Affairs, the following note (Here followed the note of December 6th. as above). The Undersigned not having been honored with an answer to the same, is therefore induced to suppose that his letter has not reached Lord Palmerston. The Undersigned has now the honor to transmit the above copy to Lord Palmerston, and again begs the favor of an answer to the same.

The Undersigned avails himself of this opportunity to renew to Lord Palmerston the assurance of his high regard and esteem

J. PINCKNEY HENDERSON

To the Rt Honble. Lord Viscount PALMERSTON

*Her Majestys principal Secty of State for Foreign Affairs*

To which I received the following Reply—

"Lord Palmerston presents his compliments to Genl. Henderson, and has the Honor to acknowledge the receipt of his note of the 15th.

Instant. Lord Palmerston will be happy to see Genl. Henderson, at the Foreign Office, on thursday next, the twenty first Instant at 3. o'clock

Foreign Office

December 18th. 1837.

At the time mentioned in Lord Palmerstons Note, I repaired to the Foreign Office, and held a personal conference with him, of which the following is the substance.—

Lord Palmerston said that he owed me an apology, for not answering my first note of inquiry more promptly—that the Cabinet had been much engaged on business of a domestic nature which had prevented them from attending more promptly to my application.

He then observed, that he had laid my communication before Her Majestys Government, and asked their advice upon the same; and that after fully considering the application, he was instructed to inform me, that they were not prepared at the present time to give me a decisive answer to the demand which I had made. That Mexico still maintained a threatening aspect towards Texas; and Her Majesty's Government was not prepared to act in a manner that might be viewed by other Nations, as precipitate. That this was about the season of the year, when Mexico would invade Texas, if she again determined to do so, and that this Government thought it most wise to delay action upon this business, at least for a few months, during which time they might be better satisfied as regards the ability of Texas to maintain her present position. To which I replied that it was desirable with me to have some more satisfactory and conclusive answer, to the demand which I had made, and then observed that I would offer as a reason for wishing to terminate my mission to this Court as early as possible, that it would soon become my duty to be in another Country.—That I was commissioned and instructed by my Government to proceed to France and solicit the Recognition of the Independence of Texas by that Government as soon as I might deem it expedient to do so.—That I would be regulated in my movements in this matter, entirely by the actions of this Government.—That I had expected to have been able to settle the question of recognition etc with the British Government, without difficulty or delay; in which event I designed going to France.—That under this state of things, Lord Palmerston would see how important it was to me, to have an immediate and decisive answer. To this he replied, that it was true that this view in which I urged the matter placed me somewhat different from the situation in which they regarded me as occupying; but again adverted to the want of satisfactory evidence in regard to the ability of Texas to maintain her present

position; and rather intimated that they would be compelled to deny my demand if I pressed them at present to a final answer; and observed, that a few months delay might not be of much importance to Texas.—That this Government felt every disposition to recognize the Independence of Texas, as soon as they could in justice to all parties, do so. In reply to this, I observed, that if such were the feelings and disposition of Her Majesty's Government, and I could have the assurance from him, that they would comply with the demand which I had made, in the course of a short and limited time, provided nothing occurred to embarrass the safety of Texas, more than presently threatened her, I might feel better satisfied, than I would with what he had already said. Lord Palmerston answered me by stating, that he was not prepared to answer me upon this point—that it was a point upon which he admitted, I had a right to demand an answer; and that he would at the earliest time possible, take the advice of the Cabinet, and inform me of their determination. I asked him to mention the earliest time at which he could satisfy me upon this point. He then named Tuesday next—the 26th. Instant.

During the conference I mentioned to Lord Palmerston, that I had understood about the time that I arrived in this Country, that it had been stated in several of the public Journals in England that an order had been issued from the admiralty office, to the British West India Squadron, to treat all armed vessels sailing under the Flag of Texas, as Pirates;—that I had not named it before to him, because I believed it to be a misrepresentation, inasmuch as such an order could only be made in violation of the well established rules of national Law; and that I only now alluded to it, because some newspapers in the United States, had republished the statement, somewhat to the prejudice of Texas. Lord Palmerston assured me that no such order had been made; and agreed that such an act on the part of this, or any other Government, would be in violation of the law of Nations.—That it was true that this Government, (after being informed of the capture of the Eliza Russel and the detention of another English vessel) had ordered the Commander of the British Fleet on the West India Station, to look to the interests, and protect the rights of English Citizens, who were trading in that quarter. I replied that his explanation was quite satisfactory.

When Lord Palmerston informed me, that he was not prepared to say whether or not, this Government would recognize Texas, provided a few months did not show her to be in a more precarious State than she now is, I thought it best to terminate the discussion of the affairs of Texas, until that point was settled. Because if Lord Palmerston informs me that he is advised to assure me, that Her Majesty will recognize Texas as an Independent Nation, provided

Mexico fails to prosecute the war by invading Texas in the course of two or three months, or in the event that she does invade Texas and is driven back; That assurance will preclude the necessity of further discussion; and I will make a protocol of the conversation, which shall embrace that promise and request Lord Palmerston to approve and sign the same to prevent any future misunderstanding. If however he should inform me, that this Government declines giving me the required assurance; then I shall discuss the question fully on all points upon which they object to the recognition, in order that I may make a statement of the conversation, and obtain Lord Palmerstons acknowledgment of it in writing. I will prefer to discuss the matter verbally because I can get his opinions more fully that way than by a correspondence; and I can afterwards require him to acknowledge the statement which I shall make. You will see by Lord Palmerstons letters to me that he has carefully avoided committing his opinions in relation to the affairs of Texas to writing. This evidently being his disposition, I have determined to discuss the matter fully, if necessary, before I ask him to sign a Protocol. After Lord Palmerston mentioned to me what was the objection of this Government to immediate Recognition; I asked him, if they had any other objection to the Recognition; to which enquiry he gave me an answer, which I regarded as rather evasive, but by which he evidently intended to satisfy me, that they had no other reason for delaying the business; and I deemed it best not to press a more direct answer to this question until our next meeting.

I rather believe that this Government is desirous of seeing what the President of the United States says in his message, of Texas, and what disposition the Congress of the United States will make of the question of annexation, which Mr. Calhoun gave notice he would bring before the Senate during the present session. It is much to be desired that this question should be speedily disposed of, as it will continue to embarrass the negotiations of Texas for recognition etc. with all European Nations. Would it not therefore be advisable for the Government of Texas, to notify me officially, that she was no longer desirous of annexing herself to the United States, or at least that the measure had been rejected by the United States? And if Mr. Calhoun's measure succeeds, I will learn it in time to delay acting upon your instructions.

The late news of the revolution in Canada, the most unfavorable of which reached London to day, will doubtless have some unfavorable influence upon the affairs of Texas with this Government.

If Lord Palmerston assures me upon the occasion of our next interview that this Government will recognize within a reasonable time, I will then propose to him to cause an order to be issued to the different Custom House officers, to admit vessels, sailing under the Flag

of Texas, or having clearances from her Custom Houses, into the different ports of England. I would have done this some time since, but that I feared that this Government might consider such a request to mean, that I did not expect immediate recognition.

I have the Honor to remain  
With Sentiments of Esteem  
Your obt. St

J PINCKNEY HENDERSON

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HENDERSON TO PALMERSTON.<sup>a</sup>

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IRION TO HENDERSON.<sup>b</sup>

DEPARTMENT OF STATE,  
*City of Houston, Jan. 5th. 1838.*

SIR,

Your communication to the President, dated Liverpool, October 3rd.<sup>c</sup> came safely to hand, which is the latest intelligence from you.

My despatch to you under date of August the 23rd. on the subject of the capture of [the] British Brig, Eliza Russell, by the Invincible, I hope you received when you arrived in London. The conduct of the late Secretary of the Navy relative to that cruise has been perplexing to both the President and the Senate.

The unwise provision in our constitution, which requires the consent of that body to remove Cabinet Officers obliged the President to ask their approbation to his dismissal, which led to a tedious investigation before them. It resulted in the adoption of a resolution consenting to his removal. Some of the enemies of the President exerted themselves in favor of the Secretary, which in consequence of counsel being allowed to appear, arrayed lawyers against each other before the Senate, giving rise to an acrimonious debate of considerable length.

From newspaper intelligence we learn that the capture of the Eliza Russell is regarded in England as an act of piracy on the part of this Government, which impression I hope you have been enabled to remove by a frank statement of the facts of the case.

It was contrary in every respect to the orders issued, by direction of the President, from the Navy Department.

In July last our Minister near the Government of the U. States, made a formal application to that Government to enter into a nego-

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<sup>a</sup> December 29, 1837. See Henderson to Irion, January 30, 1838.

<sup>b</sup> A. L. S.

<sup>c</sup> This letter has not been found.

tiation for the annexation of this Republic to that of the U. States, which, President Van Buren promptly refused, not deeming it proper to negotiate on that subject whilst the relations between Mexico and the U. States remain as they are.

The correspondence on this subject between our Minister and Mr. Forsyth has been published by order of the House of Representatives of the U. States,<sup>a</sup> which places the question before the people, and consequently, should there be further action thereon, it will be by direction of Congress. President Van Buren's late message justifies the belief that a declaration of war by the U. States against Mexico may take place during the present session of Congress; in which event annexation may yet be effected by a tripple arrangement between the U. States, Mexico and Texas, or between Texas and the U. States.

Another impediment to annexation is the fact that the people of Texas are becoming less anxious for its accomplishment, and our friends in the U. States require delay, which would entirely defeat the measure.

Unless the U. S's Congress, during the present session, sh[o]uld authorize a negotiation for such admission the subject will be abandoned by this Government; and I am confident it will never again be renewed by this, or any future administration.

It is necessary, therefore, that negotiations regulating our foreign intercourse should be conducted, henceforth, with a view to a permanent and separate existence, as an independent power.

Under these circumstances, in case you cannot effect an unconditional recognition of the independence of the Republic of Texas, by the Government of Great Britain, it is the desire of the President, that you will propose to conclude a commercial Treaty with that Government; the stipulations of which to be based on just principles of reciprocal interests; each nation mutually granting to the other, such privileges in Navigation and Commerce as are enjoyed by the most favored nations. The practical effects of such a treaty would amount to a recognition. Should that Government be disposed to render this Republic any important and particular service, such as the negotiation of a loan, or the conclusion of a treaty *defensive* against Mexico, this Government would willingly concede to them such privileges as would guarantee an equivalent therefor.

You are so well acquainted with the condition and resources of the Republic that [it] is deemed unnecessary to enter into details on this subject, submitting it to your discretion to act as your judgment may dictate.

<sup>a</sup>The correspondence referred to includes Hunt to Forsyth, August 4, 1837; Forsyth to Hunt, August 25; and Hunt to Forsyth, September 12. See Calendar of Correspondence with the United States in Part I.

The suggestion of a defensive treaty against Mexico does not arise from any apprehension on our part that they will ever have it in their power to reconquer this country, or even seriously disturb the operations of Government; but from the conviction that the influence of England exerted, without hostility, for that purpose, would speedily terminate the war, and procure an early peace for this country, which we ardently desire.

The Californias continue independent of Mexico, and recently a rebellion in Santa Fé resulted in the death of the Governor, and a number of the principal officers of Government, and the appointment on the part of the revolutionists, [of] commissioners to apply to the U. States for admission;<sup>a</sup> not knowing, I suppose, that they are included within the limits claimed by Texas.

During the fall and winter the emigration from the U. States to Texas has been great, and now, should an invasion be attempted, an army of 6000 men would quickly assemble at the Head Quarters of the army.

The evil that we deplore is a protracted war which must operate injuriously to both parties, and especially to Mexico, for another invasion will probably change the policy of this Government from a defensive to an offensive war, which *may* end in a conquest of that country by Anglo-Americans. The friendly mediation of England might prevent the calamities which would necessarily grow out of such a state of things.

For general information I refer you to the President's late Message herewith enclosed.<sup>b</sup>

Congress adjourned on the 19th. ultimo, after having sat about three months, to meet again on the 2n[d.] Monday in April next. The different branches of the Government are now organized and in successful operation. The Tariff, and laws levying a direct Tax have been amended so as to make them operate more equally, which are executed without difficulty, affording general satisfaction throughout the Republic.

The promissory note issue is now in circulation, and is received at par. The funding of the public debt is going on satisfactorily to creditors. The Land Laws have been amended, and the General Land Office is to open on the first thursday in February next for the location of land claims.

The Hon. Alcée La Branche (late Speaker of the House of Representatives of Louisiana) Chargé d'Affaires of the U. States near this Government arrived in October, and will reside in this city.

<sup>a</sup> Cf. Gregg, *Commerce of the Prairies*, I. 130-136. Gregg, however, does not mention the appointment of commissioners.

<sup>b</sup> See *House Journal*, 2d Tex. Cong., pp. 151, *et seq.*; *Telegraph and Texas Register*, November 25, 1837.

I send you herewith a slip from the Telegraph containing the ceremony of his reception by Congress.<sup>a</sup>

I have the honor to be, with great respect, your obedient Servant

R. A. IRION

Hon. J. PINCKNEY HENDERSON,

*Commissioner of the Republic of Texas*

*near the Courts of St. James and St. Cloud*

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HENDERSON TO IRION.<sup>b</sup>

Legation of Texas

Despatch No. 4

LONDON January 5th. 1838

To the Honorable R. A. IRION

*Secretary of State*

SIR

In despatch No 3, I stated to your Honor that I had terminated the conference which I held with Lord Palmerston on the 21st Ultimo, with the agreement of waiting on him on the 26th; at which time he promised to be able to inform me, whether or not Her Majesty's Government would give me the assurance that they would recognize the Independence of Texas in the course of a few months, provided things remained as they now are in Texas.

I waited on Lord Palmerston on the day fixed upon, but found several gentlemen in waiting before me; I therefore deemed it best to defer the interview until the succeeding day, of which I informed him by note. On the next day (27th) I attended at the Foreign Office, when Lord Palmerston informed me that he had laid my request before the Cabinet, who after giving it their full consideration, had instructed him to inform me, that Her Majestys Government declined giving such assurance.—That they had always acted upon the rule, which all prudent Governments had adopted never to make a pledge in anticipation of future events, to do an act which they were not *legally* bound to perform. I replied to this communication of the determination of this Government, that having in my letter to Lord Palmerston of the 26th October, fully set forth the facts upon which Texas claimed the right to be recognized by other Nations as an Independent Government—facts which I had flattered myself, were amply sufficient to satisfy any Government that Texas was fully able to maintain her present Independent position, I did not well know what reply to make to his very unexpected communication, and that

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<sup>a</sup> The number of the *Telegraph and Register* from which this clipping was made is missing from all of the various files to which the editor has access. It is probably Vol. II, No. 45.

<sup>b</sup> L. S.

I did not know what Texas could now expect from the Justice of England, when I was informed that the only objection this Government had to recognize her Independence was a fear that Mexico might recover her lost authority over that Country, and when at the same time, this Government refused to promise to recognize her, when that objection was removed.

Lord Palmerston replied, that I misunderstood him—that he intended to be understood to say that this Government declined giving any pledge of their faith to recognize the Independence of Texas at any particular *time*, in the event that things bore a particular aspect at that date; but that they felt every disposition to recognize as soon as that objection was removed from their minds; that he wished me, not to understand this Government as refusing to recognize, because such was not the case; that they only wished further time to consider the matter, and to be better satisfied of the ability of Texas to maintain her declaration; that they could not undertake to say now, that three months, or any other particular lapse of time without a change of circumstances, would remove their doubts, and then again adverted to the fact, that this was about the season of the year, when they expected Mexico to invade Texas, if she did again invade her. I then observed that I was gratified at the assurance which he had given me of the good feeling which Her Majesty's Government entertained towards the Government and People of Texas; but that so far as regarded the object which I had in view, in requesting the assurance of this Government, that they would recognize at a particular time, provided there was no change of situation in Texas, the *effect* was the same to me as though they had absolutely refused the request; that my object in propounding that question was to ascertain whether or not it would be necessary for me to remain near this Government for a few months, whilst it could be ascertained whether or not Mexico would invade Texas with success or whether I might give up the hope of success here and proceed to France according to my instructions and solicit recognition from that Government.

Lord Palmerston then spoke of some of the difficulties which might attend the pledge which I had requested this Government to make; such as excitement in the Public mind against Texas, and stated that the opposition to the present administration would make use of it to excite those who were opposed to Slavery in Texas; and at the same time reminded me that Mr. Ward had interrogated him in Parliament with that view more than twelve months since.<sup>a</sup> I admitted that there was some reason in what he said; that it was our doctrine in Texas to pay due regard to Public sentiment, but at the same time, that rule should never lead a Government to do an act which amounted to a denial of Justice to another Nation.

<sup>a</sup> See *Niles' Register*, LI, 38-40.

Lord Palmerston then said, this Government was well aware of the growing importance of Texas, and that it was their interest to cultivate friendly relations with her, which they would not fail to do to the fullest extent, as soon as they felt themselves authorized by existing circumstances to do so. He however advised me, that it is important for the Government of Texas to look well to the Slave trade, and prevent the introduction of African Slaves, and said that this Government had been informed, that African Negroes had lately been introduced into Texas from Cuba, by first landing them on the East of the Sabine and carrying them from thence into Texas. I then again reminded him that I had before informed him, that the Constitution of Texas forbid the introduction of African Negroes into that Country, and that by a law of her first Congress, the penalty of death was imposed upon every person concerned in introducing them in any manner into the Country. That I would repeat to him then, what I had before assured him was true—that not a single African had been taken into Texas since her declaration of Independence—that it was true that African Negroes had been taken into the Country, but that they were taken there, whilst she was under the dominion of Mexico.—That Texas had appealed to the United States through her Minister at Washington, and to the British Government through His Excellency the Presidents Message of May last, to interfere in the Gulf of Mexico, to prevent such unauthorized acts.<sup>a</sup>

During the Conference I thought I could discover from many minor circumstances that Lord Palmerston and the rest of the Cabinet had concluded amongst themselves, that there were other reasons by which they ought to be more influenced in this case, than the doubts which they entertained of the ability of Texas to maintain her Position. The opposition which the act of recognition would meet with in England upon the ground of Slavery in Texas—The interest of the Creditors of Mexico in England—The desire to see what disposition the Congress of the United States will make of the question of Annexation—All have their influence upon this Government. Lord Palmerston mentioned during our interview among other reasons for delay, that the other Nations of Europe would laugh at England if she recognized at this time and Mexico should succeed in a few months in reconquering her. I replied to this, that she would have very respectable company in her disappointment in the Government of the United States, and that she would have the consolation of having acted upon facts which constituted a strong case to justify it. He insisted that the United States stood in a different attitude towards Texas on account of her locality. But I persisted in not being able to see the strength of his assertion.

<sup>a</sup> Hunt to Forsyth, July 18, 1837; in Correspondence with the United States in Part I; *House Journal*, 1st Tex. Cong., 2d Sess. p. 14; *Telegraph and Texas Register*, May 9, 1837.

Much more passed between Lord Palmerston and myself which I deem it unnecessary to relate, inasmuch as it would serve but little to enable your Honor to judge of the disposition of this Government towards Texas. After we had finished the above discussion, I observed to Lord Palmerston, that the information which he had then given me in regard to the determination of this Government upon the main question which I had made before them, compelled me to make another proposition, which I had hoped, would have been unnecessary; which was, that the Ports of Great Britain should be opened to the admission of all vessels sailing under the Texian Flag, or having Clearances from her Customhouses, as well as the vessels of other Nations having clearances from any of the Customhouses of Texas, and at the same time pointed out to him, the advantages of such a measure. He observed that he thought such a thing might be done, and suggested to me the propriety of making this proposition in writing; which I told him was my intention, and that I only now mentioned it, that he might give it his earliest consideration. I then took my leave

The course which this Government has determined to pursue towards Texas has caused me to determine to proceed to France according to my commission and instructions.

France I am persuaded will feel less embarrassment in acting upon the claims of Texas to recognition, than is felt at this Court. She has no Mexican interest represented by wealthy Citizens—No fanatical Anti Slavery party—No reason to dread a powerful party which watches for an opportunity to create excitement against the administration—Neither has she a Colony which is daily expected to follow the example of Texas, and declare its Independence—All of which conspire to prejudice the rights of Texas with England.

Since my last conference with Lord Palmerston, I have addressed him upon the subject of opening the Ports of England to the vessels of Texas etc, which communication I will despatch to you, as soon as I shall have received his reply to the same. Some days have elapsed since I addressed this letter to Lord Palmerston, yet I have received no answer. And notwithstanding he intimated, that my request in this regard, would be granted, yet I look upon this delay as fatally ominous.

I mentioned in my last despatch that I would make a Protocol of my last conference, and ask Lord Palmerston to sign it; but inasmuch as he said nothing which would be of much benefit to me in future negotiations, I thought such a step unnecessary.

I have the honor to remain

With sentiments of the highest consideration,  
Your obt. St

J PINCKNEY HENDERSON

LIZARDI & Co. TO PALMERSTON.<sup>a</sup>


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HENDERSON TO PALMERSTON.<sup>b</sup>

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HENDERSON TO PALMERSTON.<sup>c</sup>

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PALMERSTON TO HENDERSON.<sup>d</sup>

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PALMERSTON TO HENDERSON.<sup>e</sup>

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HENDERSON TO PALMERSTON.<sup>f</sup>

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HENDERSON TO IRION.<sup>g</sup>

Llegation of Texas  
Despatch No. 5

LONDON, January 30th. 1838

To the Honorable R. A. IRION  
*Secty. of State*

SIR

In despatch No. 4. I mentioned that I had addressed a communication to Lord Palmerston upon the subject of opening the Ports of Great Britain to all vessels beloning to Citizens of Texas, or having clearances from her Customhouses—which was as follows

LONDON, No. 166 ALBANY ST. REGENTS PARK  
December 29th. 1837

MY LORD

The Undersigned Agent of the Republic of Texas, has already had the honor in a personal conference to express to Lord Palmerston Her Majesty's principal Secretary of State for Foreign Affairs, the wish of the Government of Texas to open without further delay, a direct trade between the two Countries; and having received from Lord Palmerston an intimation of the propriety of submitting such a

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<sup>a</sup> January 5, 1838. See Calendar.

<sup>b</sup> January 16, 1838. See Henderson to Irion, January 30, 1838.

<sup>c</sup> January 22, 1838. See Henderson to Irion, January 30, 1838.

<sup>d</sup> January 23, 1838. See Henderson to Irion, January 30, 1838.

<sup>e</sup> January 24, 1838. See Calendar.

<sup>f</sup> January 25, 1838. See Calendar.

<sup>g</sup> L. S.

proposition in writing, the Undersigned has the honor to make the following proposal. He requests that the Ports of Great Britain be opened to all vessels sailing under the flag of the Republic of Texas, and which shall have clearances from any of her Customhouses; and also that the vessels of all other Nations in amity with Texas and Her Majesty's Government, and having clearances from any of the Customhouses of Texas, be admitted into the Ports of Great Britain, upon such terms as are consistent with the laws and regulations of Her Majestys Government in such cases. The Undersigned has been influenced to make this proposition on the part of his Government to open the trade between the two Countries, during the pendency of the consideration of the request which he has heretofore had the honor to make of Her Majestys Government to recognize the Independence of Texas, by the sincere desire which the Government and People of Texas entertain in this regard, and which is strengthened by the conviction of the great advantages which [would] result to the People of both countries from such a measure. Lord Palmerston is aware, that the principal article which Texas now has for exportation, is Cotton. This materiel is at this time ready in that Country for market. The Merchant and Planter cannot as things now are, dispose of it in any other Market than the United States, where they are compelled to pay a heavy duty; and in return for which they purchase in the United States and carry to Texas goods chiefly manufactured in England, upon which the consumer in Texas is compelled to pay the double duty of Texas and the United States in addition to the Commissions and profits of each Merchant and Carrier through whose hands the goods pass. It is not without feelings of anxiety and gratification that the Undersigned looks forward to the opening of this intercourse between the People of the two Countries, heightened by the just expectation, that such a measure will be the means of speedily convincing the People of England, that it is their interest to cultivate a friendly intercourse with Texas; and of satisfying the Government, that Justice demands that they should recognize her Independence, by exhibiting to the one her immense resources, and to the other, her ability to maintain her present Independent position.

The Undersigned deems it unnecessary to accompany the above request with a statemnt of the grounds upon which Texas founds her claim to recognition by other Nations, inasmuch as they have been fully set forth in the communication which he had the honor of addressing to Lord Palmerston on the 26th. of October last; and for the better reason, that the question of Independence is not necessarily involved in the present proposition. The Undersigned regards it as sufficient for the present purpose to remind Lord Palmerston, that the present Government of Texas has been in possession of the sovereignty of that Country for more than two years—that during

the whole of that time (with the exception of a few months in its commencement) they have remained undisturbed by Mexico.

While Mexico could reasonably entertain the expectation of maintaining the War with Texas and Re-establishing her authority in that country, She might have had some reason for objecting to other Nations recognizing the Independence of that country; but even then after she had lost all authority and control over the revolted country, and left it in the hands of those who had assumed the reins of the Government, she could not reasonably object to other countries carrying on a trade with Texas. The Undersigned takes pleasure in informing Lord Palmerston, that British ships are now admitted by the laws of Texas into her Ports on the same terms as the most favored Nations. Lord Palmerston will remember that Texas not only asserts her right to be regarded as an Independent Nation, but she has been acknowledged as such by one of the most powerful and prudent Governments on Earth—A Government too which from its situation is better able than any other to judge correctly of the ability of Texas to maintain her Independence. Some respect is due to the opinion of that Government, which the Undersigned feels assured Her Majestys Government will readily yield. The Undersigned flatters himself that Lord Palmerston will see the necessity of giving the above request his earliest attention, and of communicating to the undersigned, the determination of Her Majesty's Government upon the subject, in order that he may forthwith inform his Government of the same, and in order that the People of Texas may take advantage of the measure, during the present season.

The Undersigned takes this opportunity of again renewing to Lord Palmerston the assurance of his high consideration

J. PINCKNEY HENDERSON

To the Rt. Honble. Lord Viscount PALMERSTON,

*Her Majestys principal Secty of State for Foreign Affairs.*

At the time the above communication was made, Lord Palmerston had left London for a short time during the Christmas Holydays. He returned to Town on Saturday (13th. Inst.), and not having answered the above letter, I deemed it my duty to urge an immediate answer, inasmuch as the request was one which did not Require much consideration. Accordingly on the 16th. inst. I addressed him the following note

LONDON No. 166 ALBANY ST. Rts. PARK,

January 16, 1838

MY LORD

The undersigned Agent of the Republic of Texas had the honor of addressing to the Right Honorable Lord Viscount Palmerston, Her

Majestys principal Secretary of State for Foreign Affairs on the 29th ultimo, a communication upon the subject of opening the Ports of Great Britain to Texian Vessels etc. etc.

The Undersigned has now the honor to request Lord Palmerston to inform him of the disposition that Her Majestys Government has made of the same.

The Undersigned takes this opportunity to renew to Lord Palmerston the assurance of his high consideration

J. PINCKNEY HENDERSON.

To the Rt Honble. Lord Viscount PALMERSTON,

*Her Majestys principal Secty. of State for Foreign Affairs.*

On the 22d. Inst, not having received an answer from Lord Palmerston to either of my two last communications, and being anxious to complete the business to which they allude, before I proceed to France and also having learned from a Foreign Minister at this Court, that such delays are very common with Lord Palmerston, I deemed it necessary to follow up my last letter with the following.—

LONDON No. 166 ALBANY ST. REGENTS PARK  
January 22d. 1838

MY LORD

The Undersigned Agent of the Republic of Texas, begs leave again to call the attention of the Rt. Honble. Lord Viscount Palmerston, Her Majestys principal Secty. of State for Foreign Affairs, to the communication which he had the honor to make to Lord Palmerston on the 29th. ultimo, upon the subject of opening the Ports of Great Britain to vessels sailing from any of the Ports of Texas, and having clearances from her Custom-houses etc and again requests of Lord Palmerston an answer to the same. When Lord Palmerston is reminded that the Undersigned did heretofore in a personal conference inform him, that it had now become incumbent upon the Undersigned to leave England for a time, to discharge duties with which his Government has intrusted him in another Country, he feels assured, that Lord Palmerston will no longer delay answering the communication alluded to. Nor will the Undersigned, when he recollects that Her Majestys Government is well informed of the present and past situation of Texas—that she has now for nearly two years maintained her declaration of Independence—that notwithstanding she is only separated from Mexico by an imaginary line, Mexico has made no attempt to re-establish her authority in that Country since the capture of Genl. Santa Anna and the expulsion from Texas of the whole army of Mexico in April 1836.—And that the Government of the United States has for twelve Months recognized Texas as an Independent Nation, has received the Minister of Texas at Wash-

ington and has now her representative residing near the Government of Texas, permit himself for a moment to believe that the delay of Lord Palmerston in answering his communication, is caused by a wish or determination on the part of Her Majestys Government to refuse to comply with the request therein contained.

The Undersigned avails himself of this opportunity to assure Lord Palmerston of his very high consideration

J. PINCKNEY HENDERSON.

To the Right Honorable Lord Viscount PALMERSTON

*Her Majestys principal Secty. of State for Foreign Affairs.*

To which I received on the 24th. this reply

FOREIGN OFFICE January 23d. 1838

Sir

I have the honour to acknowledge the receipt of your letter of the 29th. ultimo, containing a proposal for opening a direct commercial intercourse between Texas and Great Britain, and also of your letters referring thereto dated the 16th. and 22d. Instant. I regret that by an accidental oversight your letter of the 29th. Ultimo should have remained so long unacknowledged; and that I am not yet enabled to give you a definitive answer upon the subject of which it treats. But I have referred the matter to the Lords Commissioners of Her Majesty's Treasury, and to the Privy Council for the Affairs of Trade, and so soon as I receive the answers of those Boards, I will not fail to make you acquainted with the decision of Her Majestys Government upon this subject

I have the Honor to be Sir

Your Most Obedient Humble Servant

PALMERSTON

Genl. PINCKNEY HENDERSON

I have determined in pursuance of the discretionary power vested in me by the instructions from the department of State accompanying my commission, to proceed to France, after waiting a reasonable time upon Lord Palmerston for an answer; but will first introduce to Lord Palmerston Mr. McIntosh,<sup>a</sup> in whose charge I will leave the affairs of Texas at this Court during my absence.

His Excellency the President will readily perceive the difficulty of the situation in which I am placed by the delay of this Government. The question now under the consideration of this Government of entering into a commercial arrangement with Texas, is one in my humble opinion, of vast importance to her, both in a commercial and political point of view. It would indeed be but little less important than an absolute recognition of her Independence, and would very

<sup>a</sup> Geo. S. McIntosh, Secretary of Texan Legation for Great Britain and France 1837-1839; acting chargé d'affaires 1839-1841; and chargé d'affaires 1841-1842.

much hasten the consummation of that object by laying open to British enterprise and capital, a wide field for future operations.

Large shipments of goods from this Country to Texas will immediately follow that act of this Government which will show to England the importance of recognizing Texas, and entering into the most extended commercial arrangements with her. I am the more anxious to complete this arrangement previous to my leaving England for France, inasmuch as the interest of Texas abroad might be injured if I left this Country, without either procuring her recognition or any other advantageous arrangement.

I also received from Lord Palmerston on the 24th. Inst. the following communication.

[Next are transcribed copies of Palmerston to Henderson, January 24, 1838; Lizardi and Co. to Palmerston, January 5, 1838; certificate of Carpizo, August 11, 1837; and Henderson to Palmerston, January 25, 1838. Next follows the closing paragraph of Henderson to Irion.<sup>a</sup>]

I have the honor to remain

Your Most obt. Humble St

J PINCKNEY HENDERSON

HENDERSON TO PALMERSTON.<sup>b</sup>

PALMERSTON TO HENDERSON.<sup>b</sup>

PALMERSTON TO HENDERSON.<sup>c</sup>

HENDERSON TO PALMERSTON.<sup>d</sup>

HENDERSON TO IRION.<sup>e</sup>

IRION TO AGENT OF LLOYD's.<sup>f</sup>

REPUBLIC OF TEXAS,  
DEPARTMENT OF STATE,  
*City of Houston, March 8th. 1838*

SIR,

Your communication on the subject of indemnity for damages that the British Brig Eliza Russel which was captured in July last in the

<sup>a</sup> For all these letters and the closing paragraph of Henderson to Irion, see Calendar.

<sup>b</sup> February 12, 1838. See Henderson to Irion, April 12, 1838.

<sup>c</sup> February 19, 1838. See Calendar.

<sup>d</sup> February 20, 1838. See Calendar.

<sup>e</sup> L. S., March 8, 1838. See Calendar.

<sup>f</sup> A. L. S.

Gulf of Mexico, by a Texian armed vessel, sustained in consequence of her detention at Galveston, has been received and presented to the President for consideration.

His Excellency directs the undersigned to inform the parties concerned that it is not within his competency to order the payment of the sum indicated; but that, at the next session of Congress which will convene on the second Monday in April next, the matter will be submitted to that body with such recommendations from the Executive that will, it is confidently believed, induce an appropriation for the payment of said claim.

Respectfully

Yr Obt. Servant

R. A. IRION

To Agent's of  
Lloyds,<sup>a</sup> Havana  
Island of Cuba

HENDERSON TO PALMERSTON.<sup>b</sup>

IRION TO HENDERSON.<sup>c</sup>

DEPARTMENT OF STATE,  
*City of Houston, March 20th. 1838.*

SIR,

I have the honor to acknowledge the receipt of your despatch No 3, and am happy that the present condition of Texas enables me to give the most favorable assurances of our prosperity.

The threatening attitude of Mexico with respect to Texas, which seems to have influenced the British Cabinet on the subject of recognition has been manifested to us in no other manner but vain boasting on paper.

Texas on the other hand is rapidly increasing in strength by an uninterrupted emigration of the hardy, enterprizing and chivalric sons of the U. States, bringing with them their negroes, and every thing necessary for a permanent settlement in this country.

I am confident it would be a safe estimate to state that, during the last fall and winter the number of emigrants to Texas was ten times greater than any that ever arrived before during a corresponding period.

<sup>a</sup>The form intended here must have been "Agent of Lloyd's", which Irion uses in the next letter.

<sup>b</sup>March 16, 1838. See Henderson to Irion, April 12, 1838.

<sup>c</sup>A. L. S.

This is the strongest proof that the people of the U. States, whose contiguity affords them every opportunity of acquiring correct information concerning Texas, have full confidence in the permanency of this Government and the stability of its institutions.

There has been no demonstration of the enemy on the Rio Grande Border since your departure, a circumstance which would justify the belief that the Mexican Government was not serious in its declarations, so often repeated, of again invading Texas. At least if they were serious the means which were placed at the disposition of Government were totally inadequate to the object in view; for all the annoyance which we have received in that quarter have been from the depredations committed by scouting parties of Mexicans who have occasionally occupied the uninhabited territory lying between the Nueces and Rio Grande.

The object of these incursions was to collect and drive the stock, which had been dispersed during the Campaign of 1836, across the Rio Grande into the Mexican territory.

Mexico is now on the eve of another revolution.

The mutations which political parties have undergone since the fall of Santa Anna have led to the conviction among the mass of the population of that country that the re-establishment of the constitution of 1824 is necessary. The Priests are arrayed against this measure; but they cannot *now* control an influence sufficient to sustain centralism. From information that can be relied on I am confident that this result will take place within a few months.

The Californias and Santa Fé still continue independent of the general Government.

General Urea has recently declared for the constitution in the State of Sonora, and General Cos, who is now on the Rio Grande, will do the same, it is believed, in a short time, in Tamaulipas.

Our Indian relations at the present time are pacific.

In November last the Indians generally manifested a desire to enter into treaties of friendship with the Texians; and during December and January treaties were concluded with a number of tribes, among which are the Lipans, the old friends of the Mexicans, who live near the Rio Grande, and are, perhaps, the most intelligent and sagacious Indians in Texas.

The Cumanches, who are the most numerous tribe in the Republic, have agreed to send a deputation of their principal Chiefs to Bexar, on the 1st. of April next, for the purpose of making a treaty, where Commissioners on the part of this Government will be ready to act.

With respect to the civil departments of the Government, it is pleasing to state, that the laws are as regularly and perfectly administered as in the new States of the North American Union.

As a striking evidence of the efficiency of the civil officers and the promptness in discharging their duties, I will state the fact that the statute prohibiting public gaming has banished that abominable vice from the country.

Two sessions of Congress have sat since your departure without materially changing the laws under which the constitutional Government was organised. The last session, as you are ere this aware, passed a general Land Law requiring land offices to be opened on the second monday of last month for the location of lands; which was done, and our citizens throughout the Republic are now actively engaged in locating their land claims.

The second session of the second Congress will convene on the second monday in April next.

Our financial affairs are in a much more favorable condition than the most sanguine anticipated. Without the aid of a loan from any quarter the Government has created a currency which passes at par in every section of the country.

The promissory notes of the Government, which are based upon a specific appropriation of lands that are now selling, are the only money, except gold and silver, which is received in payment of duties on imports and taxes of all kinds. Those collections return it rapidly into the Treasury.

With regard to the military establishment you know it is not the policy of the Government to keep on foot a standing army; therefore, none is kept in the regular service except a sufficient number to guard particular posts.

The malitia are now organised and are prepared and anxious to march at the shortest notice should a mexican army again cross the Rio Grande. Ten thousand Texians at any time can be concentrated upon the shortest notice. The universal enthusiasm which pervaded the whole community a short time since when a rumor stated that the mexicans were advancing upon Texas, was astonishing—all were anxious to go and meet the enemy—none desired to remain at home.

There have been no Mexican Cruisers on our coast since August last. Our carrying trade is performed by vessels sailing under the United States flag.

No one a year ago could have foreseen the surprising increase of our commerce in so short a period. Of late about thirty vessels are often lying in the port of Galveston, seven of which are Steam Boats that ply between the Island and other places.

Commercial facilities are developing themselves in other portions of the Country and Republic in a like manner.

As regards annexation the prospect of success is becoming more and more remote. To-day I have received despatches from the Texian

Minister near the Government of the United States up to the 9th instant. The discussion of the Sub-Treasury Bill had prevented Congress taking up the resolutions relating to Texas at the time originally fixed for that purpose. Gen. Hunt inclines to the belief that the Congress of the U. States, at the present session, will not authorize the admission of Texas. This being the case the measure may be considered as entirely lost, for the Government of Texas will never renew the application. When you went to England this Government supposed that this question would have been definitively settled by the time you commenced negotiations with the Governments of Great Britain and France; and that, therefore, no embarrassments would result from that source. Such, however, has not been the case and the consequent delay is unavoidable.

The President having full confidence in your prudence and ability has directed me to furnish you with complete Powers, authorizing you to negotiate and treat with the Governments of Great Britain and France on all subjects connected with the objects of your mission, which are herewith transmitted.

He desires that you will be extremely cautious in your conferences and correspondence with the functionaries of those Governments to give no just cause of offence; and does not wish our application urged in a manner calculated to create a prejudice against us. Of What should be said you, being on the spot and acquainted with the individuals with whom you have intercourse, will be the best judge.

As regards the Debt which Mexico owes the Government of Great Britain, or its citizens, this Government is not disposed to assume the payment of any portion thereof: nor does it conc[e]ive that the domain of Texas is in any wise implicated or responsible for the redemption of said debt. Your views and proceedings on this subject are satisfactory to the President.

The President directs me to inform you that you may appoint a Secretary to our Legation near the Government of France whenever you may deem it expedient.

The letters from the President to the Queen Dowager of England and the Queen of France were forwarded with my despatch of the 5th. of January.<sup>a</sup>

The Agent of Lloyd's at Havana has presented a claim of £865 0s. 0d against this Government in favor of the owners of the Brig Eliza Russell as indemnity for damages and demurrage occasioned by her capture and detention by the Invincible and Brutus.<sup>b</sup> This Government acknowledges the justness of the claim, and the President in his next Message to Congress will recommend an appropriation for its

<sup>a</sup> No copies of these letters have been found.

<sup>b</sup> The claim was forwarded in a letter written by Nathaniel Townsend, Texan consul at New Orleans, to Secretary of State [Irion], December 31, 1837, which is on file in Consular Correspondence, Texas State Library,

payment. The Agent of Lloyd's has been informed of the disposition of this Government on the subject.

The relations between Mexico and the U. States seem still to be unsatisfactory to both nations. Diplomatic intercourse has been suspended, and the Mexican Minister returned home. The U. States' Sloop of War Natchez is now cruising on our coast.

The season of invasion is now passed, and the planters are making extensive preparations to raise a large crop of corn. The immense influx of emigrants requiring a vast quantity of that article.

The President directs me to assure you that the course you have pursued relative to your mission meets his entire approbation.

I have the honor to be, Sir,

With great respect and Esteem

Yr. Obt. Servant

R. A. IRION

Hon. J. PINCKNEY HENDERSON, *Agent and Minister of Texas near the Govmt. of Great Britain.*

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HENDERSON TO PALMERSTON.<sup>a</sup>

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PALMERSTON TO HENDERSON.<sup>b</sup>

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HENDERSON TO PALMERSTON.<sup>c</sup>

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PALMERSTON TO HENDERSON.<sup>d</sup>

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HENDERSON TO IRION.<sup>e</sup>

Legation of Texas  
Despatch No. 7.

LONDON April 12th. 1838

To the Honorable R. A. IRION  
*Secretary of State*

SIR

I have heretofore informed you that since I was informed by Lord Palmerston that the British Government declined recognizing the Independence of Texas, on the Ground that they were not

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<sup>a</sup> April 5, 1838. See Henderson to Irion, April 12, 1838.

<sup>b</sup> April 6, 1838. See Henderson to Irion, April 12, 1838.

<sup>c</sup> April 10, 1838. See Henderson to Irion, April 12, 1838.

<sup>d</sup> April 11, 1838. See Henderson to Irion, April 12, 1838.

<sup>e</sup> L. S.

entirely satisfied of her ability to maintain her declaration, and that they would take farther time to consider the matter, I had laid before Her Majestys Government a proposition to open a direct trade between Texas and Great Britain. The communication which I made to Lord Palmerston on that subject, together with his acknowledgment of the receipt of the same, I had the honor to forward to you in Despatch No 5. After I received Lord Palmerstons letter acknowledging the receipt of my first communication upon this subject, and stating that the whole matter had been referred by him to the Lords Commissioners of Her Majestys Treasury and to the Privy Council for the Affairs of Trade, I waited for some weeks with the daily expectation that Lord Palmerston would inform me, according to his promise, of the disposition which those Departments of Her Majesty's Govt. had made of the subject; and not having received any information from him on the subject, I called at the Foreign Office several time for the purpose of conferring with Lord Palmerston upon the subject, but each time found him too much engaged to give me an audience. On the 12th. February I addressed him the following note

LONDON No. 166 ALBANY ST REGENTS PARK  
Feby. 12th. 1838

MY LORD

The Undersigned Agent of the Republic of Texas has called several times recently at the Foreign Office for the purpose of having an interview with the Rt. Honble. Lord Viscount Palmerston, Her Majestys principal Secty. of State for Foreign Affairs, but has found him absent or engaged in business. The Undersigned has therefore to request Lord Palmerston to inform him at what time he can be honored with a conference. The undersigned has the honor to assure Lord Palmerston of the continuance of his high regard and esteem

J. PINCKNEY HENDERSON.

The Rt. Honorable Lord Viscount PALMERSTON  
*Her Majestys principal Secty. of State for Foreign Affairs*

To which his Lordship made this reply—"Lord Palmerston presents his Compliments to Genl. Pinckney Henderson, and will be glad to see him at this office on wednesday next the 14th. Instant at 3 oclock"

Foreign Office, February 12, 1838

At the time appointed I repaired to the Foreign Office, where I had a conference with Lord Palmerston upon the subject, of which the following is the substance,—Lord Palmerston informed me that he had received the report of the Lords Commissioners of the Treasury upon the subject of the proposed commercial arrangement, which

report he read to me. The substance of it was, that they saw no objection to the *principle* of the proposition which I as the Agent of Texas had submitted, and that they recommended to Her Majestys Govt. to adopt every proper measure necessary to facilitate and extend the Commerce between the two Countries. Lord Palmerston then observed, that the principle of the measure proposed was settled by that report, and that it then only remained for the report of the Board of Trade upon the *details* in order to complete the arrangement. He observed at the same time that he expected very soon to receive the report of the Board of Trade, and that he would not fail to inform me of its import as soon as he received it. At this stage of the affair, I had I thought good reason, to flatter myself that the negotiation would produce a more favorable result than subsequent events show. Between the date of the last mentioned interview and the 16th. Ult, I held several conferences with Lord Palmerston upon this Subject, who each time informed me that the Board of Trade had not made their report, and at length promised that he would call personally on the President of that Board and urge him to report forthwith. Not having received any communication from Lord Palmerston, on the 16th Ultmo. I again addressed him as follows.

LONDON, March 16, 1838

My LORD

The Undersigned Agent of the Republic of Texas begs leave again to call the attention of the Rt. Honble Lord Viscount Palmerston Her Majestys principal Secty. of State for Foreign Affairs to the communication which the Undersigned has heretofore had the honor to make, upon the subject of opening a direct trade between Texas and Great Britain, and to remind Lord Palmerston that nearly three months have elapsed since the Undersigned proposed that arrangement, to which he has as yet received no definite answer. He begs leave also to remind Lord Palmerston of his promise made on the occasion of the interview with which the Undersigned was honored on the 28th. Ult. viz. that Lord Palmerston would speak to the President of the Board of Trade on that day and request him to make his report as soon as possible. The Undersigned has now the honor to ask Lord Palmerston to inform him of the result of Lord Palmerston's application to the President of the Board of Trade. If the Board of Trade have not yet made their report on this business, the Undersigned begs Lord Palmerston to use his influence with that Honorable Body to cause them to report at the earliest time possible. The Undersigned notwithstanding the delay he has met with in this matter still hopes that the British Govt. will find it their interest to realize his expectations upon this subject, and that their measures will derive additional grace from the frankness and prompt-

itude with which Lord Palmerston will use his exertions with the Board of Trade to procure their report, and bring about a speedy and satisfactory arrangment of the whole subject. If however the Undersigned is destined to be dissapointed in his expectations by a refusal on the part of Her Majestys Govt. to agree to the proposed arrangment, or if he is to experience such delay as will be tantamount to a refusal, by preventing his attention to duties which he has to discharge in another Country; then it is not less the duty of Her Majestys Govt. to give him an early, frank and definite answer to the application which he has, on the part of his Govt. had the honor to submit. The Undersigned takes this occasion again to renew to Lord Palmerston the assurance of his high consideration

J. PINCKNEY HENDERSON

The Rt. Honble. Lord Viscount PALMERSTON

*Her M's principal Secty of State for Foreign Affairs*

To the above letter, Lord Palmerston returned no answer, and on the 5th. Inst. I addressed him as follows—

LONDON April 5th. 1838

MY LORD

The Undersigned Agent of the Republic of Texas begs leave to inform the Rt. Honble. Lord Viscount Palmerston, Her Majestys principal Secty. of State for Foreign Affairs that the great length of time which has expired since he had the honor of submitting on the part of the Govt. of Texas, a proposition to enter into a commercial arrangement with Her Majestys Govt., and the silence with which Lord Palmerston has treated his communication of the 16th. ultmo. upon that subject, has compelled him reluctantly to conclude that it would be useless for him to remain longer in England with the expectation of being able to complete the proposed arrangement. He has therefore fixed upon an early day in next week to leave London, and he has now to request Lord Palmerston to inform him at what hour he can be honored with an interview.

The Undersigned avails himself of the occasion to renew to Lord Palmerston the assurance of his highest consideration

J. PINCKNEY HENDERSON.

The Right Honble. Lord Viscount PALMERSTON

*Her Majestys principal Secty of State for Foreign Affairs*

Which letter drew forth the following reply

FOREIGN OFFICE April 6th. 1838

SIR,

In my letter of the 23d of January last, I had the honor to inform you that I had referred to the Lords Commissioners of Her Majestys Treasury and to Her Majestys Privy Council for Affairs of Trade,

your letter of the 29th of December containing a proposal for opening a direct commercial intercourse between Texas and Great Britain. Having received the answers of those Boards, I have now the honor to communicate to you the decision of Her Majestys Govt. upon the subject of your proposal. So long as Texas shall not be acknowledged by Her Majestys Government as a Separate and Independent State, that Country will be treated as a part of Mexico by the authorities of Great Britain as with reference to the operation of such British laws as relate to Trade and Navigation and to Fiscal matters. Consequently a Texian Ship can still import Texian produce from Texas as heretofore, such ship and such produce being covered by the more general character of Mexican; and under the same construction, the trade between Great Britain and Texas will also be continued under the scope of the stipulations of the Treaty with Mexico. In this view of the case no difficulty will occur in the Ports of this Country so long as the National character of Texas remains unchanged by any formal act on the part of Great Britain, provided that the power of the Texian People or the forbearance of the Mexican Govt. shall be such as practically to secure to the subjects and ships of Great Britain, perfect freedom of intercourse with the Ports of Texas. Texian ships and cargoes therefore coming from Texas will be received in the Ports of Great Britain upon the same footing as British ships, so long as British ships shall practically enjoy the same privileges in Texas; and this state of things will continue until some definitive arrangement shall be made between Great Britain and Texas.

I have the Honor to be Sir

Your Most obedient, Humble Servant—

PALMERSTON

Genl. PINCKNEY HENDERSON

You will observe that the above communication is not a complete answer to the proposition contained in my letter to Lord Palmerston of the 29th. December, inasmuch as no reference is made to the very material circumstance that vessels hereafter coming from Texas will have papers from the authorities of the Republic of Texas instead of Mexico. I therefore called on Lord Palmerston on the 9th. Inst. and asked him to explain how far his communication was applicable to such a case. He said he wished to be understood as having declared by his letter that Her Majestys Govt. would allow vessels coming from Texas in the above manner, to be received in the Ports of Great Britain—that they would shut their eyes to the circumstance of their having Texian papers. I then informed him that I would submit the enquiry in a more formal manner, which I hoped he would answer in writing, so as to prevent any future misunderstanding, to which he consented, and on the 10th. I addressed him the following letter

LONDON April 10th. 1838.

MY LORD

The Undersigned Agent of the Republic of Texas has the honor to acknowledge the receipt of the letter of the Rt. Honble. Lord Viscount Palmerston of the 6th. Inst. communicating to him the decision of Her Majesty's Govt. upon the proposition which he had the honor to make on the part of the Govt. of Texas on the 29th. December last to open a direct trade between the Ports of Great Britain and Texas. By referring to the communication of the Undersigned of the 29th. Decr., Lord Palmerston will see that the Undersigned therein proposed to Her Majestys Government that all vessels coming from Texas, sailing under the Texian flag and having clearances from a Custom house of the Republic of Texas should be admitted into the Ports of Great Britain etc. Lord Palmerston will also see by referring to his letter of the 6th. Inst. to the Undersigned, that no express answer is given to the above proposition, that it is only stated therein in general terms, that until Texas is recognized as an Independent Nation by Her Majesty's Govt., she will be treated as a part of Mexico, and that a Texian ship coming from Texas with Texian Goods on board will be received into the Ports of Great Britain under the scope of the stipulations of the treaty between Great Britain and Mexico. When Lord Palmerston recollects that Texian Vessels hereafter coming from Texas to the Ports of Great Britain will have registers from the authorities of the Republic of Texas and clearances from her Custom houses, he will readily see that difficulties might occur with Texian vessels claiming to enter British Ports under these circumstances. Therefore to prevent any future misunderstanding upon this subject, the Undersigned begs Lord Palmerston to inform him whether or not under the decision of Her Majestys Govt., as communicated to him by Lord Palmerston on the 6th. Inst., he is to understand that vessels coming from Texas, with Texian Goods and with registers under the authorities of the Republic of Texas and clearances from her Custom houses, will be received in the Ports of Great Britain in the manner and upon the terms therein specified. The Undersigned begs leave to remind Lord Palmerston that he leaves London on Friday Morning.

The Undersigned begs Lord Palmerston to accept of the assurance of his high consideration.

J. PINCKNEY HENDERSON

The Rt. Honble. Lord Viscount PALMERSTON

*Her Majestys principal Secty of State for Foreign Affairs*

To which he returned this answer

FOREIGN OFFICE April 11, 1838

SIR

In reply to the enquiry contained in your letter of the 10th. Inst. I have the honor to state in further explanation of my letter of the 6th. Inst. that a Texian Ship would be admissible into the Ports of Great Britain as a Mexican Ship according to the stipulations of the Mexican Treaty, notwithstanding that the Documents issued for the use of such ship should bear upon their face that they were the avowed acts of a Govt. in Texas, assuming the style of a republic independent of Mexico. The view thus taken of this subject by Her Majestys Government so far as relates to the commercial intercourse between Texas and Great Britain would be changed only in the two following cases,—namely—either if Mexico were to declare the independence of Texas and thus to effect a formal separation between the two countries by the consent of both; or if Great Britain were to acknowledge Texas as an Independent State. In either of these cases, the commerce between Texas and Great Britain could no longer be carried on under the provisions of the Treaty between Great Britain and Mexico; and a separate Treaty would in either of such cases become necessary between Texas and Great Britain

I have the honor to be Sir Your Most Obt. humble St

PALMERSTON

Genl. PINCKNEY HENDERSON

Which leaves no room for future misunderstanding upon the subject. I had hoped from Lord Palmerstons and my own understanding of the nature of the report of the Lords Commissioners of Her Majestys Treasury as reported to you heretofore, that I would have been able to have made a commercial arrang[e]ment with the British Govt. founded on the Independent position of Texas, and I still entertain the opinion that Texas is entitled to such an arrangment. The arrangment which I have made you will readily see, secures to Texas all the practical benefits of trade and intercourse with Great Britain in as extensive a sense as though England had recognized her Independence. On the occasion of my last interview with Lord Palmers-ton I said to him, that inasmuch as I was going to leave England in a few days, I wished him to inform me whether under all the circumstances it would be worth my time to return to England during the approaching summer or fall with the hope of procuring the recogni-tion of the Independence of Texas—that I was anxious to be informed upon that subject, in order that I might report to the Govt. of Texas upon the prospects, and ask their instructions to guide me in my

future course,—that if I was informed that England would *probably* recognize even as early as 12 or 18 months, I had no doubt but that I would be instructed to await the expiration of that time; But if Her Majestys Govt. had determined to delay the matter indefinitely, and there was no prospect of being recognized within that time, they might instruct me to return. He observed in reply that he could not answer me satisfactorily upon these points, as he would be speaking for the whole Government, and that they had already informed me that they could not pledge themselves to that effect. I then rejoined that I did not ask him to give any pledge to do an act—that I only wished an intimation of the probable future course that the British Govt. was likely to pursue towards Texas—that I would not regard any thing which he might say on the subject as *official*, or binding upon the Government of England—that Texas would regard it as an especial favor, if they did not intend to recognize within a reasonable time, to be candidly informed of the fact—that I wished to introduce Mr. McIntosh before I left, who would have charge of the business during my absence, if I could have any assurance which created a hope of success. He then said he would advise me to take a letter from himself to Earl Granville the British Minister in Paris, who would enable me at all times to learn the disposition of the British Govt. upon the point in question. This course I thought plainly indicated the disposition of the British Govt. and that it was resorted to as a polite and easy method of avoiding any further importunity on the subject, and I consented to take that course. I leave England for Paris tomorrow

Your Most Obt. humble Servant

J PINCKNEY HENDERSON

IRION TO HENDERSON.<sup>a</sup>

DEPARTMENT OF STATE,  
City of Houston, May 20th. 1838.

SIR,

I have the honor to acknowledge the receipt of your despatch No 5, dated January 30th.

The President regrets to see so much reluctance manifested on the part of the British Government to enter into commercial relations with us.

The pendency of the proposition of annexation, the revolutionary movements in Canada, abolitionism and fanaticism, and the unjustifiable acts of the Brutus and Invincible<sup>b</sup> during their cruise of last summer in the Gulf of Mexico, have doubtless had a tendency to make impressions on the statesmen and politicians of England ad-

<sup>a</sup> A. L. S.

<sup>b</sup> See Irion to Henderson, August 28, 1837.

verse to the interests and character of this Republic. It is now gratifying to reflect that these causes of delay are disappearing. The Minister of Texas near the Government of the U. States has been instructed to withdraw the proposition of annexation should the present session of the Congress of that Republic adjourn without having acted definitively on the said proposition. Under these circumstances it may be regarded as withdrawn, for there is no prospect of success in the U. States' Congress. The question will be either rejected or postponed. To us it is of no moment which takes place—in either event the consequences will be the same to Texas. It will never be renewed by this Government until the dismemberment of that Power occurs. Should that happen, as many suppose it will, a Southern Confederacy may be formed and Texas constitute an integral part thereof.

The excitement occasioned by the Canadian disturbances<sup>a</sup> has subsided.

\* \* \* \* \*

Congress is now in session and no exciting subjects have as yet come up, and I believe none will during this session.

The country is tranquil and the greater portion of the population are industriously engaged in the cultivation of corn. Emigration creates a great demand for this article, and consequently but little cotton is planted.

Our currency is at par with the Mississippi Bank notes. The experiment of issuing the promissory notes has succeed[ed] far better than the most sanguine advocates of the measure anticipated. They are the circulating medium of the country.

The news from the interior is of the most favorable kind for Texas. One of our most confidential spies arrived a few days since from Mexico. He reports that country to be in a state of general commotion. Gen. Urea is in Durango at the head of a formidable force contending for the re-establishment of the federal Constitution of '24.

The troops have been withdrawn from the line of the Rio Grande on account of these disturbances.

Santa Anna is still at his Hacienda in the State of Vera Cruz, and is supposed to exercise a secret, but powerful, influence over the federalists. It is generally believed that Bustamente will fall during the present convulsion, and that Santa Anna will succeed him.

The Blockade of the Mexican ports by France has increased the embarrassments of that miserable nation.<sup>c</sup>

<sup>a</sup> See Tiffany, *Relations of the United States to the Canadian Rebellion of 1837-38*, pp. 32-37.

<sup>b</sup> For the paragraphs omitted, see Calendar under the title of this letter.

<sup>c</sup> See Bancroft, *History of Mexico*, V, 186-205.

Our Indian relations are on a favorable footing. The tribes generally are disposed to peace, and manifest a desire to establish a friendly intercourse with the Texians.

With regard to subjects connected with your mission to England and France, no further instructions at the present time, are considered necessary. Your intimate knowledge of our political organization and of the foreign policy of the Government, will enable you to pursue the line of conduct best adapted to effect the objects contemplated by your appointment.

Your course heretofore has been highly satisfactory to the Executive.

The boundary line between the U. States and Texas is still undefined, and a controversy now exists between the two Governments on this subject, which may possibly terminate in a serious dispute; in which case this Government will request its reference to an Umpire, and the European Government that first acknowledges our independence will be solicited to perform this friendly office.

I have the honor to be, with great respect your  
obt. Servant

R. A. IRION

Hon. J. P. HENDERSON, *Agent*

*and Minister of Texas near the Govmts of G. Britain and France*

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IRION TO HENDERSON.<sup>a</sup>

DEPARTMENT OF STATE,  
City of Houston, June 6th. 1838.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No 7. All your previous ones have been received.

The President is gratified to learn that you have consummated the commercial Arrangement with Great Britain. Your suggestions relative to the subject will be properly observed.

It is hoped that France will not be so hard to satisfy in respect to the capability of Texas to maintain her independence. My two last dispatches (one dated March 21st.,<sup>b</sup> which I presume you have received ere this) will inform you respecting our relations with Mexico. That nation is now prostrate and can never again even annoy Texas to any extent.

It is distracted by partisan leaders and selfish politicians. Its Government is destitute of that energy, and moral rectitude which are indispensable to preserve republican institutions.

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<sup>a</sup> A. L. S.

<sup>b</sup> This is evidently an error; the date should be the 20th.

The French Blockade, the contentions between the Centralists and Federalists, individual and national pecuniary embarrassments (although England may not regard the subject in this light) tend to strengthen Texas. The Eastern portions of Mexico are now anxious to establish friendly relations with Texas. Contempt for the imbecility of that Government, and the confident conviction that its resources will never enable it to operate successfully against the measure, has induced the President to open the Trade with the Rio Grande frontier. The eastern States of Mexico will avail themselves of the facilities which this trade will offer, and an immense quantity of goods will pass from Texas to that country.

Our Indian relations are still pacific. Since my last communication a Delegation from the Cumanches (The Cossacks of Texas) composed of several Chiefs and Warriors visited Houston, according to an agreement made some time since, for the purpose of making a treaty of peace, which was concluded with them without difficulty; and they left well pleased and strongly impressed with the superiority of the Americans over the Mexicans.

The question of annexation may be regarded as settled forever. Our Minister at Washington is instructed to withdraw the proposition (as you have been informed) should the present session of the U. States' Congress adjourn without having acted definitively on the subject. This cause cannot, therefore, continue to operate against us in Europe.

Texas has increased confidence in the sufficiency of her own resources to resist Mexico, maintain her independence and perform all the obligations that appertain to a free Power. Mexico has more reason to apprehend invasion by Texas than the latter has of the former.

\* \* \* \* \*

Respecting the time of your return the Executive desires that you will exercise your own discretion, having every confidence that you will act as may be best calculated to subserve the true interests of Texas.

When you shall determine to leave England and France it is the wish of the President that you will appoint Agents at London and Paris to represent this Government.

I have the Honor to be with great respect your  
Obt. Servant.

R. A. IRION

Hon. J. PINCKNEY HENDERSON,

*Diplomatic Agent of Texas, near the Govmts. G. Britain  
and France.*

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\* For the paragraphs omitted see Calendar under the title of this letter.

PALMERSTON TO HENDERSON.<sup>a</sup>

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STATEMENT OF CAPTAIN RUSSELL'S CLAIM.<sup>b</sup>

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HENDERSON TO PALMERSTON.<sup>c</sup>

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HENDERSON TO IRION.<sup>d</sup>

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HENDERSON TO IRION.<sup>e</sup>

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BACKHOUSE TO [SWAIN STEVENS & CO.]<sup>f</sup>

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ADAM TO [NASH].<sup>g</sup>

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ADAM TO [NASH].<sup>h</sup>

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ADAM TO [NASH].<sup>i</sup>

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IRION TO HENDERSON.

DEPARTMENT STATE,  
City of Houston, Nov. 28th. 1838.

SIR,

I have the honor to acknowledge the receipt of your despatch No 8, dated Paris, 5th. of September last.

\* \* \* \* \*

I now have the pleasure to announce to you that on the 12th. of October ultimo, Anson Jones, our Minister near the Government of

<sup>a</sup> August 24, 1838. See Calendar.

<sup>b</sup> September [1], 1838. See Calendar.

<sup>c</sup> September 3, 1838. See Calendar.

<sup>d</sup> L. S.; September 5, 1838. See Calendar.

<sup>e</sup> October 28, 1838. See Calendar.

<sup>f</sup> November 1, 1838. See Calendar.

<sup>g</sup> November 20, 1838. See Calendar.

<sup>h</sup> November 21, 1838. See Calendar.

<sup>i</sup> November 25, 1838. See Calendar.

<sup>j</sup> For the paragraphs omitted, see Calendar under the title of this letter,

the U. States at Washington City, acting under special instructions from this Government, formally withdrew the proposition for the annexation of this Republic to that of the United States of America.<sup>a</sup> The question of annexation which embarrassed our negotiations in Great Britain so much, being now definitively settled, I hope the recognition of our independence by that Government and France will soon follow. Its withdrawal, by destroying the political combinations which its pendency induced, and removing the cause of exciting debates in the Congress of both Republics respecting the propriety of the proposed admission, has had a tranquilizing effect on the public mind of the U. States, and likewise proven satisfactory to the people of Texas.

The news from the interior of Mexico is favorable to Texas. Their intestine difficulties and the French blockade seem to engage the almost exclusive attention of the Government. Several of the States continue to act independently of the central Government, and will obey no orders issued by it.

We learn from a letter said to have been written by a French Lieutenant at Havana, dated 17th. instant, which was published in a New Orleans paper of the 21st. that the French blockading Squadron had commenced bombarding the Castle of San Juan d'Ulloa; and had also landed 3000 men for the purpose of attacking Vera Cruz. If this news be true, of which I have no doubt, that City ere this has fallen into the hands of the French.

With respect to the prospects of our own Navy I have not been able here to say any thing encouraging; but now have the gratification to state, that our Navy Agent Mr. Samuel M. Williams, has contracted at Baltimore for the immediate building equipping etc. of a fleet for this Government, which is to be composed of one Ship, two Barques or Brigs, and 2 Schooners; some of which are to be finished in 80 or 90 days from the date of the contract.

They are to be provisioned for a four months cruise, and delivered at Galveston.

In their building we will have the friendly aid of Mr. Henry H Williams, of Baltimore, whose skill and experience in na[u]tical matters are unsurpassed; which circumstance affords the most satisfactory assurances that the vessels will be of the very best quality.

In addition to these, he purchased conditionally the Steam Ship Charleston for the protection of our coast against Mexican Cruisers in the event of the difficulties between France and Mexico being adjusted before our fleet could be in readiness for action, leaving it optional with the Government whether it would take the vessel or not.

<sup>a</sup> See Part I, Jones to Vail, October 12, 1838, in Calendar of Correspondence with the United States.

With this acquisition to our Navy we can command the Gulf, annihilate the commerce of Mexico, prevent an invasion, and force the Enemy into a reasonable peace. Mexico cannot subsist troops on this side of the Rio Grande unless supplies can be furnished by sea.

There is no local news of much interest. Emigration to this part of the country is very great, and improvements of all kinds are progressing rapidly. Two Steam Packet Ships, Cuba and Columbia are plying between Galveston and New Orleans, and a third one is shortly expected to take her place in the same line.

Messrs. McKinney & Williams have a Brig at Galveston sailing under American colors laden with cotton, which they desire to send to France; but is <sup>a</sup> apprehensive, inasmuch as there exists no commercial relations between that Government and this, that she would not be allowed to enter a port of that country. They intend sending one or two cargoes during the present season direct from Galveston to Liverpool.

The article published in a New York paper censuring Governor Cass and Mr. Stevenson for their deportment towards you was in accordance with your request, contradicted by the Telegraph.<sup>b</sup>

I have the honor to be, Sir,

With great respect your

Obt. Servant

R. A. IRION

Hon. J PINCKNEY HENDERSON, *Agent and Minister of the Rep. of Texas near the Govmts. of Great Britain and France, Paris.*

BACKHOUSE TO SWAIN, STEVENS & Co.<sup>c</sup>

SWAIN, STEVENS & Co. TO ARRAGOIZ DROOSTEN & Co.<sup>d</sup>

BEE TO HENDERSON.<sup>e</sup>

[Announcing the personnel of the new government of the Republic of Texas, installed December 10, 1838.]

IRION TO HENDERSON.<sup>f</sup>

<sup>a</sup> Are.

<sup>b</sup> See *Telegraph and Texas Register* for October 13, 1838.

<sup>c</sup> December 1, 1838. See Calendar.

<sup>d</sup> December 12, 1838 (extract). See Calendar.

<sup>e</sup> December 26, 1838.

<sup>f</sup> March 20, 1839 (extract). See Calendar.

VOGELGESANG & Co. TO WEBB.<sup>a</sup>

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CRAFORD TO WEBB.<sup>b</sup>

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JONES TO HUGHES.<sup>c</sup>

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COMMISSION OF HAMILTON AS JOINT AGENT WITH HENDERSON TO  
FRANCE AND GREAT BRITAIN.<sup>d</sup>

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LAMAR TO PALMERSTON.<sup>e</sup>

[Letter of Credence for James Hamilton as agent for Texas to Great Britain.]

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WEBB TO HAMILTON.<sup>f</sup>

[Transmitting Hamilton's commission as Texan agent to Great Britain and France, and letters of credence to the governments of those nations, all bearing the same date as the letter of transmission.]

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HAMILTON TO FOX.<sup>g</sup>

WASHINGTON 20th May 1839.

SIR—

In conformity to the wish you did me the honor to express, in our conversation on Saturday last, that I should furnish you with a memorandum in writing of my views in relation to the advantages which might result to Great Britain from the mediatorial offices of Her Britanic Majesty's Minister Mr. Pakenham at Mexico, between that Government and the Republic of Texas, (however private and unofficially) induces me to submit the following succin[ct] statement with a candor and sincerity, I hope equal to the signal kindness and frankness with which you received my Verbal Communications. You are aware that the Republic of Texas has appointed Col. Bee a citizen of Texas an Envoy Extraordinary and Minister Plenipotentiary to Mexico, to treat with that Government for peace and Recog-

<sup>a</sup> A. L. S., April 16, 1839. See Calendar.

<sup>b</sup> A. L. S., April 17, 1839. See Calendar.

<sup>c</sup> April 24, 1839. See Calendar.

<sup>d</sup> May 20, 1839. See Webb to Hamilton, May 20, 1839.

<sup>e</sup> May 20, 1839. Inclosed with Webb to Hamilton of the same date.

<sup>f</sup> May 20, 1839. See Records of Department of State (Texas), Book 38, p. 104.

<sup>g</sup> May 20, 1839. See Records of Department of State (Texas), Book 41, pp. 401-403. Copy inclosed with Hamilton to Lamar, June 22, 1839, in Correspondence with Mexico.

nition. He sailed about the 1st May for Vera Cruz in Governments Vessel of the United States, and has probably some days since arrived off that Port. He went however, beyond that of a passenger under no safe conduct of the flag of the U. S. but in some degree under that of the late Catholic Bishop of Texas, when he was a Mexican [provincial?] and who is now the Chaplain or Confessor of President Santa Anna, who urged the sending of an Envoy from Texas, the purpose in question, with an earnestness that induced many persons to suppose that it was one of the objects of the recent visit which that Priestate made to Texas, and that he acted in conformity to the wishes of Gen. Santa Anna. Be this however as it may, whilst Col. Bee was detained in New Orleans, an English Gentleman of the name of Forspale,<sup>a</sup> Member of the highly respectable house of the Lazardi's of London (which House you are aware is extensively connected with the trade of Mexico, and holds intimate relations with its Government,) informed Col. Bee, that he had determined in conjunction with several other persons, having a deep interest in the peace and prosperity of Mexico, to write, not only to the Government of Mexico, to listen favorably to the overtures on the part of Texas for peace, but at the same time to address Mr Pakenham a letter earnestly soliciting his good offices immediately between the parties, as he believed the only means by which the Mexican Bond and Share holders would be paid, would be through the indemnity which Texas might be willing to give Mexico, for the disputed territory between the Rio de la Nueces and the Rio del Norte, where it is suposed the point of honor might be saved to Mexico, in treating for a general pacification and Recognition of the Independence of Texas. This at least, might be urged at the present, for such a convention.

You are aware that I have been appointed a commissioner to negotiate a loan of about a Million Sterling for Texas. I propose embarking in the Great Western for England in June, from the manner in which I have strengthened my loan in this country, I have very little doubt of my success in yours. If the Minister of Texas should conclude a Treaty with Mexico, authorizing the former to pay over the amount of the indemnity to the holders of the Mexican Securities in England, nothing could be more gratifying to me, than to promote this object by every means in my power, as it would add another wreath to the glory of the descendants of the Saxon race, that after beating Mexico, despoiling her of one of the finest of her provinces, that a handfull of men should come under an obligation to pay her debts on change in London. Should however Mr Pakenham use his good offices in this matter, he will doubtless perceive the policy of keeping out of view of the Ulterior appropriation of the money, until

<sup>a</sup> Copyist's error for Forstall.

the main and Substantive object of the treaty is secured. That Great Britain has a direct interest in our immediate pacification between Texas and Mexico, and the ultimate independence of the former, is manifest, from two or three very obvious considerations. In the first place Texas early in the ensuing autumn, will have at Galveston a Squadron of one Steam Frigate, one Corvette, two Brigs, Three Schooners, ready to take post off Vera Cruz, and blockade that Port by the procuring<sup>a</sup> of adequate force. This may give rise to a very serious difficulty, as your Government has not internationally recognized Texas. She may not feel disposed to respect any blockade of which She may even make an authentic declaration. She may therefore force the blockade. Bloodshed may ensue, and which from the intimate relations of the Southern people, with the people of Texas, would throw the whole South into a ferment, and we should find ourselves, in spite of our deep interest in the preservation of perpetual peace with Great Britain, in the very unnatural position of allies with the people on your Canada frontier, in their seemingly in placable hostility to your country.

In the Second place, your Government has a deep interest in a pacification between Texas and Mexico, because She has an incalculable interest in the trade of Texas, destined to be an immense consumer of the products and Manufactures of Great Britain. Her tariff is now only 12½ per cent, advalorem, whilst that of the U. S. averages nearly forty per cent. You perceive that the moment the Independence of Texas is recognized, She will not only supply her immeasurably increasing population with British goods, but likewise both the adjoining provinces of Mexico, and a large portion of the Valley of the Mississippi, through the navigation of the Trinity and Sabine Rivers. I will say nothing of the vast advantages, because they must strike you with great force. If Great Britain having her supply of Cotton insured to her from the fertile plains of Texas (destined to be the greatest cotton country in the world) exempt from the caprice of your relations with the United States. In the third place, without Mexico should first recognize the Independence of Texas, Great Britain, from the great delicacy of her situation, in reference to her own North American provinces, might feel great difficulty in recognizing Texas herself, which might have a tendency to throw her whole European commerce in the hands of France. The moment Mexico recognizes, all difficulty is at once obviated, and Great Britain may herself recognize.

Fourthly and lastly—The moment England is thus enabled to recognize Texas, She can exercise through the immense value of her commerce with Texas, salutary influence in procuring the cordial concurrence of Texas, in what Great Britain has ten times at heart,

<sup>a</sup>The copy has the meaningless word "precurer."

in the suppression of the Slave trade, which Texas has prohibited by a fundamental article in her Constitution. I had the honor to State to your Excellency in conversation the incalculable natural resources of Texas. She possesses at least fifty Millions of Acres River bottom land, better adapted to the cultivation of upland cotton than any other part of the habitable Globe, without interfering with the reservation of those immense prairies which are destined to afford pasturage and substance to flocks and herds, more numerous, than we read of in the records [of] Scriptural antiquity.

Her mineral riches not to speak of the (indications presented in her mountains of the precious metals) are countless, when you take these things into consideration and reflect that in all probability not a spindle will be made for half a century within her limits you may well conjecture what an impulse her commerce will give to power looms, of your own Country. Besides these people are your own blood and kindred, and speak the same language in which Locke and Milton taught the lessons [of] civil and political science. I am aware from the fact of Texas not having been recognized by your Government, you can make no official communication on the subject to Mr. Pakenham, to which I have ventured to call your attention or either Lord Palmerston, it will be for you to decide, whether in the conjecture of the affairs both of Texas and Mexico, when the former is rising with a rapidly and augmenting strength to power and independence of the latter, sinking under the strife and contending faction, a private suggestion to both, in favor of a timely mediation between the parties, may not be of some value to your own Government. I beg you to pardon the entire of this communication and to be assured of the distinguished consideration, with which I have the honor, Very Respectfully—Your Obedient Servant

(Signed)

J. HAMILTON

His Excellency  
H. S. Fox

*Minister Plenipotentiary of  
Her Britanic Majesty at Washington*

Fox to HAMILTON<sup>a</sup>

WASHINGTON [D. C.], 22d. May 1839.

DEAR SIR—

I have been very glad to receive your interesting and valuable memorandum dated from Baltimore, as well, as the two obliging notes to myself which accompany it. I shall not have the communica-

<sup>a</sup> May 22, 1839. See Records of Department of State (Texas), Book 41, p. 404. Copy inclosed with Hamilton to Lamar, June 22, 1839, in Correspondence with Mexico.

tion, which I propose to address Mr. Pakenham, in readiness early enough to be dispatched by the opportunities which you obligingly offer, but shall in a short time, have myself a speedy and safe means of forwarding them to Mexico. In writing to Lord Palmerston, I shall not fail to mention that you will seek an occasion of conferring personally with him, or other members of the Government, upon the subject of your communication to me. I believe it will be more proper, according to the customs of our Service, that I should send the dispatch in the usual course, rather than by a private hand.

I remain Dear Sir, with much respect and regard, and the best wishes for your Success, Yours faithfully

(Signed) H S. Fox

To

Gen. J. HAMILTON

*Philadelphia*

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DECREE OF MEXICAN CONGRESS AUTHORIZING THE CONSOLIDATION OF  
MEXICAN BONDS HELD BY GREAT BRITAIN.<sup>a</sup>

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HUGHES TO PALMERSTON.<sup>b</sup>

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PALMERSTON TO HUGHES.<sup>c</sup>

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HUGHES TO JONES.<sup>d</sup>

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HUGHES TO JONES.<sup>d</sup>

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[Accompanied by copies of Hughes to Palmerston, June 10, 1839; Palmerston's reply of the same date; and Hughes to Jones of the same date at midnight.]

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BURNET TO CRAWFORD.<sup>e</sup>

<sup>a</sup> June 1, 1839. See Treat to Lamar, February 1, 1840, in Correspondence with Mexico.

<sup>b</sup> June 10, 1839. See Hughes to Jones of the same date.

<sup>c</sup> June 10, 1839, midnight. See Hughes to Jones, June 10, 1839.

<sup>d</sup> June 10, 1839; indorsed "Secret correspondence between Mr. Hughes Chargé d'affaires of the U. S. at Stockholm, and Lord Palmerston on the subject of Texas as communicated by the Hon Anson Jones." The letter of transmittal from Jones has been found. For the letter and inclosures, see Calendar.

<sup>e</sup> June 14, 1839. See Calendar.

BURNET TO HENDERSON.<sup>a</sup>

DEPARTMENT OF STATE  
Houston 16th June 1839.

To the Honorable

J. PINCKNEY HENDERSON

SIR,

Your informal despatch of 28 April has been received.

The President is absent, his health has been seriously impaired and he is seeking its renovation at Galveston Island. I cannot therefore transmit you the blanks you request, or say anything definitive in relation to your return. But I have no doubt your wishes will be gratified as soon as the President can give his attention to the subject, for his reluctance to part with your valuable services will yield to the importance of the personal considerations which you suggest as the reasons for your return.

\* \* \* \* \*

We have a prospect of a contest with the Cherokee Indians and probably with the Shawnees and the Delawares. The three tribes can muster about 350 warriors. Our troops are moving towards their towns. The conflict I trust will be short and decisive, and their expulsion from our territory certain.

The late visit of Admiral Baudin we consider a propitious event. He seemed to have imbibed the most favorable impressions towards us, and I trust his report to his Government will avail you something. The gallant Admiral has left the liveliest recollections on the minds of all who had the pleasure of seeing him here.

Ardently wishing that you may speedily realize the main objects of your Mission, I have the honor to be your Obedient Servant

DAVID G. BURNET  
*Actg Secty of State.*

DECREE OF MEXICAN CONGRESS CONFIRMING THE CONTRACT BETWEEN  
BRITISH HOLDERS OF MEXICAN BONDS AND AGENTS OF THE MEXICAN  
GOVERNMENT.<sup>c</sup>

LAMAR TO THE QUEEN OF ENGLAND [VICTORIA].<sup>d</sup>

[Letter of credence for J. Pinckney Henderson as envoy extraordinary and minister plenipotentiary to Great Britain.]

<sup>a</sup> See Records of Department of State, Book 38, p. 116.

<sup>b</sup> For the paragraphs omitted see Calendar.

<sup>c</sup> July 29, 1839. See Treat to Lamar, February 1, 1840, in Correspondence with Mexico.

<sup>d</sup> August 19, 1839.

BURNET TO HAMILTON.<sup>a</sup>

DEPARTMENT OF STATE  
Houston 19th August 1839

To General

JAMES HAMILTON

*Commr. etc.*

SIR,

The President received yours of 1st inst. from New York, this Morning and he directs me to say in reply that he feels it impossible to assent to so important a deviation from the original plan as to give his assent to the *new* bonds. The final result in a fiscal view, of the two systems would not be essentially varient; but the new arrangement would render the loan somewhat less available to Texas in the times of her utmost need, by increasing the amount to be annully refunded. It is hoped and believed that your operations will not be much retarded or your eventual success jeopardized by adhereing to the first plan.

In relation to your suggestion concerning the expenditure of fifty thousand dollars as secret service Money in procuring the recognition of Texas, I had the honor to address you very hastily by your Son a few days ago. In addition to that hurried Note, I am instructed to say, that in the event of your success in effecting the loan, the President will feel no hesitation in giving you a draft for any amount not exceeding fifty thousand dollars, which you may find it absolutely necessary to expend in this odious way. The President relies with implicit confidence upon your economical and politic discretion in this Matter, and only consents to a recourse so repugnant to his feelings, from a painful conviction of its expediency.

In pursuance of views with which you are familiar Mr T\*\*\*t<sup>b</sup> has been despatched to Mexico and will communicate with you. He is sanguine of success. The fact of his going may be of service to your operations.

Very respectfully, I have the honor to be,  
Your Obdt Servant.

DAVID G. BURNET *Actg Secty of State.*

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OGILVY TO PAKENHAM.<sup>c</sup>

[Relative to the Manuel Bangs land claims.]

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OGILVY TO PAKENHAM.<sup>c</sup>

[Relative to the James Grant land claims.]

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<sup>a</sup> See Records of Department of State (Texas), Book 38, p. 123.

<sup>b</sup> Treat.

<sup>c</sup> August 20, 1839. See Treat to Lipscomb, April 10, 1840.

HENDERSON TO SECRETARY OF STATE OF TEXAS [BURNET].<sup>a</sup>

LONDON

*October 16th 1839*

MY DEAR SIR

I forwarded the Treaty which I recently concluded with France to Liverpool by express a few days since in order to place it in the hands of Mr Ikin a young gentleman who sailed for N. Orleans on his way to Texas<sup>b</sup> but the vessel which he had taken passage in sailed a few hours before my express arrived therefore I had it returned. It is too large and too important a document to send by mail therefore I shall keep it in my own possession until I arrive in N. York where I can find some one who will go immediately to Texas and deliver it to you in person otherwise (rather than risk it in the mail) I will myself come immediately on with it myself. I hope to find some one today who will sail on the 19th in the Great Western steamer and expects to go immediately to N. O. if so I will place the Treaty in his hands with directions to the Texian Consul at that Port to forward it immediately by express

I still expect to sail on the 1st of next month in the British Queen steamer unless this Govt. informs me that they have determined to treat with and recognize Texas. I have seen Lord Palmerston and expect to see him again today and as far as I can judge from what passed between us I am satisfied that England will still delay recognition. In that event the only course left for Texas it seems to me is to lay discriminating duties on the goods of all countries which have been applied to and have refused to recognize Texas. The attention of the English Merchants and people generally has of late been much turned towards Texas and such an act would rouse them against that neglect of their material interest

I have appointed to be in Paris on the 21st Instant to introduce Mr McIntosh as Charge d'Affaires to the French Govt. I shall return here in 8 or 10 days and then inform you fully of my operations at this court. If you do not receive the Treaty with this rest assured that you will receive it as soon after the arrival of the British Queen as it is possible for me to travel to Texas

I am in great haste your most obedient and very humble sevt

J PINCKNEY HENDERSON

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PALMERSTON TO HENDERSON.<sup>c</sup>

<sup>a</sup> A. L. S.

<sup>b</sup> Texan consul at London, 1841-1842. For his connection with colonization in Texas, see Ikin to Smith, July 1, 1842, inclosed with Smith to Jones, July 11, 1842.

<sup>c</sup> October 23, 1839. See Calendar.

PALMERSTON TO HENDERSON.<sup>a</sup>HENDERSON TO PALMERSTON.<sup>b</sup>McINTOSH TO SECRETARY OF STATE OF TEXAS [BURNET].<sup>c</sup>STATEMENT OF CLAIM OF LIZARDI & Co.<sup>d</sup>HENDERSON TO SECRETARY OF STATE OF TEXAS [BURNET].<sup>e</sup>

CITY OF NEW YORK

Nov 24th 1839

To the Honorable  
*The Secy of State*  
 SIR

I arrived here in the British Queen Steamer last night and finding Mr Yates about to sail for Texas I persuaded him to alter his determination and take the most speedy route by land that he may bear my last despatches to you which include the Treaty with France. I send you by the same copies of two communications which I received a day or two before I left London from Lord Palmerston together with a copy of my answer to the same which is not as full or satisfactory as I desired to make. I was very unwell when I received his letters and was compelled to dictate the answers in my bed

I have so often and so strongly heretofore urged upon the Govt. of Texas the necessity of making an appropriation to pay the demand of Captain Russel that I feel that nothing I can now say to that effect can have any weight. I would send you the papers relating thereto in a *formal* despatch but am anxious that they should reach you as soon as possible I have determined to send them by Mr Yates who leave[s] tomorrow morning and therefore I have not time to put them in better shape I shall spend about two weeks here and in N. Carolina with my relations and then come immediately to Texas

I have just seen Mr Dangerfield <sup>f</sup> and he has told me of his engagements here as the Agent of Texas etc. etc. and of the prospect, in

<sup>a</sup> October 23, 1839; second letter of the same date. See Calendar.

<sup>b</sup> October 30, 1839. See Calendar.

<sup>c</sup> A. L. S., November 12, 1839. See Calendar.

<sup>d</sup> November 20, 1839. See Treat to Lipscomb, April 29, 1840.

<sup>e</sup> A. L. S.

<sup>f</sup> William Henry Daingerfield, Texan chargé d'affaires to Netherlands, Belgium and the Hanse Town, 1843-1844, resigning the office of Secretary of the Treasury to accept the appointment.

anticipation, of having the bills he has given as the Agent of Texas protested for non payment at their maturity because the funds he drew upon are not in cash as he had been lead to suppose and represented but in post notes. I must with all due deference recommend to you and the rest of the Government to avert that threatened calamity. Texas had much better submit to the discount on the post notes at present than suffer her good faith to be forfeited in the cases alluded to. If she pays those promptly she can at any time obtain other necessary supplies on a credit at reasonable prices. With merchants punctuality is every thing and Texas cannot expect to establish a credit abroad as long as she dose not comply rigidly with all of her engagements with that class of men. I would not presume to allude to this business but I think that we who are *here* and *hear such matters spoken of* can form a better opinion of the effect such a thing would have abroad than you in Texas who hear nothing of them

I write this in great haste as Mr Yates is waiting to receive it.

I have the honour to be Sir your most obdt. and very humble  
svt

J PINCKNEY HENDERSON

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HENDERSON TO SECRETARY OF STATE OF TEXAS [BURNET].<sup>a</sup>

CITY OF NEW YORK

Nov 27th 1839

To the Honorable

The SECRETARY OF STATE

SIR

I arrived here by the British Queen on the 23rd instant and finding that I could not proceed *immediately* to Texas I placed the Treaty which I made with the French Govt. in the hands of Mr Yates who was to have proceeded by land to Texas but he subsequently changed his intention and took passage in a Packet for N Orleans to sail on yesterday or the day before but I understand he did not get off until today. I hope however he will arrive before Congress adjourns I sent with him also two letters from Lord Palmerston on the subject of the claims of British Citizens against Texas penned, it seems to me, in no very kind humour. I hope Congress will do something to settle those claims or rather the claim of Capt Russel w[h]ich is the only one amongst them which Texas ought to pay without further delay. I hereby write this to let you know that I forwarded the Treaty by the first opportunity and also that the Senate may be kept in session until its arrival. I left the business at the Court of Saint

Cloud in charge of Mr McIntosh who will remain until he is relieved.  
I will be in Texas early in January if not sooner

I have the honour  
to remain your  
Obedient Servant

J PINCKNEY HENDERSON

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CAÑEDO TO PAKENHAM.<sup>a</sup>

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PAKENHAM TO HAMILTON.<sup>b</sup>

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TREAT TO HAMILTON.<sup>c</sup>

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LAMAR TO PALMERSTON.<sup>d</sup>

[Letter of credence for James Hamilton as confidential agent to Great Britain to secure the recognition of the independence of Texas, and to negotiate a treaty of amity and commerce between these countries.]

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COMMISSION OF HAMILTON TO TREAT WITH HOLDERS OF MEXICAN BONDS.<sup>e</sup>

[Empowering James Hamilton, as confidential agent of Texas, to enter into an agreement or convention with said bondholders.<sup>f</sup>]

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PROCLAMATION OF LAMAR FORBIDDING INCURSIONS INTO MEXICO.<sup>f</sup>

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MCGREGOR TO PRESIDENT OF TEXAS [LAMAR].<sup>g</sup>

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<sup>a</sup> December 11, 1839. See Hamilton to Burnet, January 5, 1840.

<sup>b</sup> A. L. S. December 12, 1839. See Hamilton to Burnet, January 5, 1840.

<sup>c</sup> December 16, 1839. See Hamilton to Burnet, January 5, 1840.

<sup>d</sup> December 21, 1839.

<sup>e</sup> Hamilton was given a commission on the 23d to negotiate "either in London or elsewhere, either through the intervention of Her Britannic Majesty's Government, or any other person [power] which he may select," with commissioners to be appointed by Mexico for a treaty of amity, peace, and boundary adjustment. See Correspondence with Mexico.

<sup>f</sup> December 21, 1839. See Hamilton to Pakenham, January 2, 1840, in Hamilton to Burnet, January 5, 1840.

<sup>g</sup> December 26, 1839. See Calendar.

MCGREGOR TO PRESIDENT OF TEXAS [LAMAR].<sup>a</sup>

HAMILTON TO PAKENHAM.<sup>b</sup>

HAMILTON TO BURNET.<sup>c</sup>

(Private.)

NEW ORLEANS

Jany 5h. 1840.

MY DEAR SIR

I send you for the information of the President and his Cabinet the enclosed Documents.—First a Letter which I have received from Mr Packenham with my *reply* and secondly a Private Letter from Mr Treat

You will perceive that the Mexican Govt is willing to treat for *an armistice*, which of course is the entering wedge to a Treaty of Peace, but as they might procrastinate for years I hope I have placed this matter on a footing acceptable to the Govt. It will not be until Lord Palmerston receives my communication informing him what your Govt. has done that the full effect of the measures will be seen. Mr Treat may fail from the excitement the capture of Matamoras may produce, but whether he fails or not, The Presdt[']. late Proclamation and the action of the Mexican Bond holders will produce a new State of things.

Let me then earnestly and respectfully urge upon your Govt. to adhere to the Policy of the Presdts. late Proclamation. Keep your fleet at home until you hear from me from London. A single indiscreet movement would destroy all prospect of peace and my negociation.

Let me beg of you to use your influence with Congress to have french Wines admitted duty free whenever the President should by Proclamation deem it fit to reduce the same.

It is a mere bagatelle and may secure our success in France and get a short act passed authorizing Mr Burnley and myself to pledge the Bonds. Be so kind as to *remember my Commission if it is not sent* and to forward an authenticated Copy of the act authorizing us to pledge.

With sincere esteem

My Dear Sir

and Very restfy

Your ob Svt

J. HAMILTON

Hon D. G. BURNET

Secty of State.

<sup>a</sup> December 26, 1839. See Calendar.

<sup>b</sup> January 2, 1840. See Hamilton to Burnet, January 5, 1840.

<sup>c</sup> A. L. S. With the address is the statement "Fwd by Genl Henderson."

P. S. Genl Henderson very wisely provided for the exchange of ratifications in Texas.

The Govt. must not be at all discouraged at the apparent obstinacy of the Mexicans. Every thing will work right as soon as John Bull in London understands what he is to get by it.

All communications for me be so kind as to send to the care of Mr Jackson at Galveston.

P. S. In copying a part of the *secret Resolutions* and sending them to Mr Packenham *for his own use* I only copied such parts as there was no impropriety in his seeing—as allustrative of the honest intentions of Texas

[Inclosed are copies of Treat to Hamilton, December 16, 1839; <sup>a</sup> and the letters that follow.]

Private and confidential.

MEXICO 12. December 1839.

SIR,

I had the honor, on the 4th. of this month, to receive Your letter of the 18th. of November.

Mr. Fox has not sent me a copy of the communication to which you allude, but I had heard thro' other channels of your Mission to Europe as well as of the success which had attended your Negotiation with the French Government.

It is some time since I received from Viscount Palmerston Instructions to tender the good offices of Her Majesty's Government towards effecting an arrangement between this Country and Texas; but I regret to say that all my exertions to induce this Government to entertain the question of recognition have hitherto proved unavailing. Not but that the more enlightened Members of the present Administration appear to understand that to continue the contest with Texas would be worse than tiseless, but there is no man among them bold enough to confront the popular opinion, or, I should rather say the popular prejudice upon this point, which is strongly pronounced against any accomodation with Texas. Besides which they fear, and not without reason, that, for the sake of Party objects, an attempt would dishonestly be made to crush by the unpopularity which would, very certainly, attend such a measure, any Government which should be bold enough to advocate the policy of alienating what is still talked of as a part of the National Territory.

Under these circumstances it appeared to me that the next best thing to propose was a mutual suspension of hostilities as a preparatory step to the ulterior measure of absolute recognition at a future period. You are, I dare say, sufficiently acquainted with the Span-

<sup>a</sup> See Correspondence with Mexico.

ish character to understand how untractable they, and their descendants likewise, are in matters affecting their pride and what they are pleased to call their National honor. To this feeling it was owing that Spain forbore to acknowledge the Independence of her former American Colonies for so many years after all hopes of effecting their reconquest had utterly vanished and to the same feeling of mistaken pride among the Mexicans in general and to a want of honest energy in the Government and the higher classes of the Community in endeavouring to inculcate more enlightened views must be ascribed in a great measure the difficulty of effecting at this moment an arrangement, however advantageous to this Country, with their late Territory of Texas.

Some time ago Señor Cañedo, the Minister for Foreign Affairs, who, to speak the truth, strongly inclines to the course which wisdom and sound policy recommend with regard to the question of Texas, informed me that after repeated and arduous discussions with his Colleagues he had succeeded in obtaining their consent to place on the records of their deliberations a Minute to the effect that if Commissioners from Texas should present themselves, they would be listened to, with the distinct understanding, however, that no proposition for the alienation of the right of Sovereignty would be entertained. But as he would not take upon himself to put into my hands any written communication to that effect, or even convey to me a more definite understanding of what his Government might be disposed to accede to in the way of armistice, or otherwise, I did not think myself at liberty to recommend to Colonel Bee, with whom, on the occasion of his late Mission, I had had some communication, to undertake a fresh journey to this Country upon such vague and uncertain grounds.

On receipt of your letter I again entered into communication with the Mexican Government upon the important subject to which it relates, but I am sorry to say, as far as regards the question of absolute recognition, with no better success than before. Nevertheless I have obtained from Señor Cañedo a written communication, a copy and translation of which I have the honor to inclose, stating that this Government are disposed to listen to proposals from the Inhabitants of Texas; but that on no account will they relinquish the right of Sovereignty over that Territory.

I do not of course presume to offer my advice as to the notice which it may be proper to take of this communication, but I must not forbear to express my honest conviction that the wisest course for Texas to observe would be to take advantage of the opportunity thus offered to propose to Mexico a mutual suspension of hostilities, subject to such other conditions as might be considered advisable for the interest and security of either Party. I admit that the present condition

of Mexico is not the most favorable for the recommencement of offensive operations against Texas, upon a scale likely to lead to important results, but I am also strongly of opinion that an attack upon any part of the National Territory, by a foreign force, would not fail to rouse the latent energies of the Country, and induce the Mexicans to submit to extraordinary sacrifices in undertaking measures of retaliation for such aggression; and thus give rise to a state of things far more likely to retard than to accelerate the establishment of friendly relations between the two Countries.

On the other hand, an agreement for the suspension of hostilities once distinctly established, the irritation attending the present state of things would soon pass away; the question of Texas would by degrees cease to occupy, in a prominent degree, the publick attention; and the force of circumstances alone would before long accomplish the rest.

You will, I trust, Sir, excuse the freedom with which I have expressed to you my opinions in the course of this letter. It will, I assure you, afford me great pleasure to attend to any further communication which may be addressed to me connected with the object of our present correspondence; and, in fulfilment of the Instructions of Her Majesty's Government, to continue my endeavours to forward the establishment of a friendly understanding between this Country and Texas.

In conclusion, I take the liberty to point out to your notice the confidential character of Señor Cañedo's communication, and to request that while making such use of it as you may think expedient, you will have the goodness to prevent its acquiring unnecessary publicity, in order to avoid the inconvenience which might be thereby occasioned to the Mexican Government.

I have the honor to be with high consideration, Sir,

Your most obedient humble servant

R. PAKENHAM

To General JAMES HAMILTON

etc. etc. etc.

[With this letter went a copy of Cañedo to Pakenham, December 11, 1839, and an English translation of the same.<sup>a</sup>]

(Private and confidential)

N. ORLEANS 2d Jany 1840

SIR

I had the pleasure of addressing you from this place in Nov.<sup>b</sup> last as I was on the eve of my departure for Texas. I now do myself the

<sup>a</sup> For the letter of Cañedo, see Correspondence with Mexico.

<sup>b</sup> November 18, 1839. This letter has not been found.

honor of apprising you of my return from Austin the new Capital of the Republic on yesterday.

I enclose you with the most perfect unreserve but in the highest confidence copy of the Resolutions passed with scarcely a dissenting voice in secret session by the Congress of Texas.<sup>a</sup> You will see that this body are pledged to support the Executive in a pacific adjustment of the difficulties with Mexico should she be inclined to listen to the proposed mediation of your Govt. Policy of course precluded an intimation in the Resolutions of the willingness to pay the money for the disputed Territory and Boundary at the Royal Exchange London to whomsoever Mexico might appoint to receive it. But when the guarantee of G. Britain for the faithfull performance of the Treaty is suggested it is quite obvious that Texas expects to pay the money over to the Mexican Bondholders in London to whom in good faith Mexico is bound to direct the money should be paid. I have been appointed by the Govt. of Texas the Commissioner under the Secret Resolutions enclosed and am cloathed with ample power to act in the premises on my arrival in England and on the spot to accept the mediation of your Government should it be profferred and to conclude a treaty of Peace and Boundary with Mexico.

The whole case is now open to you and it will be for you to decide whether five millions of dollars are worth saving for your own people. With the weight which a Treaty of Peace with Mexico would give to the negociation I am sure the indemnity Loan could be borrowed without difficulty in England or on the Continent.

I should apprehend to Mexico peace would be an inestimable boon. If G Britain guaranteed the Treaty her Boundary would be secure for many years to come when if ever the institutions of Mexico are consolidated and social order established it might under a state of peace be expected.

If however the proposed mediation of your Government be declined by Mexico the whole of her northern provinces must be revolutionized for the Federalists are courting the alliance of Texas with great assiduity. I send you an advertisement of Gen Anaya in proof of the fact—he has been endeavoring without success to enlist the Govt. and people of Texas in his cause, but they have determined to wait the result of the overtures of your Government.

<sup>a</sup> These resolutions accompanied a joint report of the Senate and House committees on foreign relations of the Fourth Texas Congress, made December 19, 1839. A copy is on file with the papers of that Congress in the office of the Secretary of State. The resolutions approve the policy of the President in seeking to make peace with Mexico; authorize him to appoint a commissioner to negotiate with a properly accredited agent of Mexico for this purpose and for the settlement of the boundary question; authorize the Texan commissioners of loans in Europe (who were not actually appointed till April 1, 1840) to borrow the amount stipulated in the treaty by way of indemnity—as is shown by the report, but not in the resolutions—for the surrender of Mexican claims to territory; and require the commissioners to secure, if practicable, the guarantee of the treaty by Great Britain.

To shew you with what wisdom and moderation Texas is acting I enclose you a Proclamation of President Lamar issued in consequence of Ross' expedition who has been struck from the Rolls of the Army.<sup>a</sup> I propose embarking from N Y. by the first steamer that commences running in Spring to complete the Loan of 5 millions as the Govt of Texas has assented to the terms on which it is proposed that the transaction should be effected.

Should Mexico decline the mediation of England and your Govt. decline recognizing Texas (which however I have Lord Palmerstons positive assurance she will not do) I will then cross over to France and secure a negociation of the Loan which I have proferred to me in that Country. Texas will then have no other alternative but to compel Mexico to come to terms by doing her all the harm in her power—but I trust from considerations of justice and humanity your Excellency will be able to interfere effectually in this matter that the expenditure of human blood may be spared and that the Treasure of both Countries may be used for the purposes of Civilization and benevolence rather than for those of desolation and destruction. I beg leave to refer you again to Mr. Ellis for the testimony of any claim I may have on your confidence

I have the Honor to be  
with distinguished  
Consideration  
very respectfully  
Yr obet Serv

J H

P S Be so kind as to direct any reply with which you may honor me under cover to the British Consul N Orleans

P S. Should the Govt of Mexico accept of the proffered mediation of England I would suggest that your Excellency should propose an armistice and send a messenger to Texas to have it agreed to and confirmed that heavy penalties may be imposed on any of her Citizens invading their territory and joining the Federalists. I believe if this measure is not adopted the whole of the northern provinces will be revolutionized by 1 May

N ORLEANS Jan 3 1840

SIR

Since writing the above I have the honor to receive your favor of the 12 Decr. with the copy of the Letter from Senor Canedos which I shall not fail to recognize as highly confidential. Unless Mexico accepts the mediation of your Govt. or that of the U States with a

<sup>a</sup> The expedition referred to was led by Canales, with the co-operation of Colonels Reuben Ross and S. W. Jordan, into Mexico in the fall of 1839. See Bancroft, *North Mexican States and Texas*, II, 317, ff. For the proclamation, which was dated December 21, 1839, see *Austin City Gazette*, January 1, 1840.

view to ulterior pacification I am satisfied that Texas will enter into no armistice other than the one she has voluntarily imposed on herself in the enclosed Proclamation of her President connected with the inadmissible condition that her own sovereignty over her own Territory is not to be assumed. To enter into an armistice without any approach towards a *stipulation* for an ultimate treaty of Peace might inhibit Texas from resorting to those means calculated to coerce this result—at least it would prevent her from availing herself of circumstances as they might arise. All that I can do as the commissioner of Texas is to authorize you to consider an armistice as concluded between the Two powers and to make authentic declaration that the same has been effected by the mediation of your Government to continue in force until the 1 April 1841 Provided it is agreed by a secret article that the negotiations for Peace are to be opened forthwith either at London or Washington at the option of Mexico—otherwise it must be obvious that with her fleet which will be all ready to put to Sea by 1 Mch. next and with 10,000 stand of arms and with cloathing which in a month she could transfer to the Federalists Texas would have no motive to enter into a mere naked stipulation to abstain from hostilities when she fears nothing from Mexico. She is too wise to hazard an expensive invasion of Mexico but she may give "aid and comfort" to the Federalists <sup>a</sup> to her own Territory and by her fleets on the shores of the Atlantic and Pacific blockade bombard or lay under contribution the Ports of Mexico on both Oceans. I am in hopes however that when the Govt of Mexico sees President Lamars Proclamation they will take a different view of this subject under a conviction of the magnanimity and forbearance of Texas and with a full consciousness that she is prepared to do justice. It is however in vain to conceal the fact that Texas is daily becoming so strong she will soon look to her power to shape her policy. Upwards of 100000 Emigrants have gone into the Country since 1 Oct last from the U S and 5000 waggons have crossed the Sabine this winter or are on their way from the western or So Western States. I have the honor to remain

with great consideration and  
respect

Your Excellency's most  
ob Servt

J H. Com of Texas

His Excellency

RICHARD PACKENHAM

Her B M. Minister

P and E at

Mexico

<sup>a</sup> Blank left by copyist.

P S In case of the necessity of referring to any friend of Texas in Mexico I beg leave confidentially to inform you that Mr Jas <sup>a</sup> (the Gentlemen to whom I alluded in my former Letter) who has the confidence of the President of Texas as well as my own with whom you may communicate with entire freedom and unreserve for any thing he will do Texas will confirm. Be so kind as to forward your Letters to me through Mr. Crawford the consul here

BUCHANAN TO MOORE.<sup>b</sup>

HER BRITANNIC MAJESTYS  
CONSULATE [New York City,] 7th January 1840

SIR

I have the honor to state that I have received information that there is detained on Board the Texian Brig of War under your command a subject of her Majesty named Edward Watkins that he is not permitted to address a letter to me for redress as also that a friend of his upon applying to go on board to see Watkins was threatened that he would be thrown overboard. In justice to your standing as an officer of the Texian Navy I state these Matters and I have requested the Bearer Thomas J Watkins to be permitted to see the man Watkins as he is a distant relation who will deliver this letter to you as the officer in Command

I have the honor to be Sir  
your humble Servant

Js BUCHANAN

To Commodore MOORE  
*as officer in Command of the  
Texian Brig of War Colorado  
at Staten Island*

MOORE TO BUCHANAN.<sup>c</sup>

TEXAS BRIG OF WAR COLORADO  
*Off Staten Island, 8th. Jany. 1840.*

SIR,

Your letter of yesterday in relation to Edward Watkins, who claims to be a subject of Her Britannic Majesty, came to hand this afternoon, and in reply I have the honor to state that a man named Edward Watkins is a Quarter Gunner on board of this Vessel, and that he shipped for the Naval Service of Texas on the 17th. of October last at the Town of Galveston, Texas, and he has ever since

<sup>a</sup> In the original was doubtless given here the name of James Treat.

<sup>b</sup> A. L. S. This and the copy of the reply which follows were doubtless sent by Moore to the Texan government, but no letter of transmittal has been found.

<sup>c</sup> See note to title of Buchanan to Moore, January 7.

been doing duty on board of this Vessel. I will also State for your information that in shipping men for the service of Texas none are shipped who do not claim to be citizens of the Republic.

As to the threat which you were "informed" was made to a friend of Watkins, I have the assurance of the Executive Officer of the Vessel that none of the kind has ever been made to any one wishing to visit this vessel at any time or under any circumstances; and I assure you that no such restriction as the one you mention has ever been wished to be enforced on board of this Vessel, at the same time that I make you this assurance, I deem it my duty to say to you that I hold myself responsible to my Government, and my Government only, for keeping any person from visiting a Vessel under my Command whenever I deem it necessary.

Watkins was taken sick on Saturday night last and is now ill.

I have the honor to be Sir

Your humble servant

(sigd.)

E. W. MOORE

*Commdr. in Chief*

*Texas Navy*

To, Mr. JAMES BUCHANAN

*H. B. M. Consul New York*

AUSTIN TO THE SECRETARY OF STATE [BURNET, ACTING].<sup>a</sup>

[Explains that Austin is forwarding by a special courier a communication for President Lamar which has been brought by the English brig Pilot.<sup>b</sup>]

BURNET TO HAMILTON.<sup>c</sup>

HAMILTON TO PALMERSTON.<sup>d</sup>

LIPSCOMB TO HAMILTON.<sup>e</sup>

HAMILTON TO LIPSCOMB.<sup>f</sup>

CHARLESTON Feby 25th 1840

DEAR SIR—

I have learnt by the public papers with sincere satisfaction of your appointment as Secretary of State, in the Cabinet of President

<sup>a</sup> January 20, 1840. Austin (Wm. T.) was Texas collector of customs at the port of Velasco.

<sup>b</sup> MacGregor to the President of Texas [Lamar], December 26, 1839.

<sup>c</sup> January 29, 1840. See Calendar.

<sup>d</sup> February 10, 1840. See Hamilton to Lipscomb, February 25, 1840.

<sup>e</sup> February 14, 1840. See Calendar.

<sup>f</sup> See Records of Department of State (Texas), Book 41, p. 411.

Lamar. You have doubtless read the proceedings of the Congress of Texas in secret session, connected with my Mission to England. I beg leave to enclose you a copy of the letter I have addressed to Lord Palmerston on my arrival at this place. The letters which I received from Mr Pakenham, I enclosed to your predecessor previous to my leaving New Orleans: That my negotiation will be ultimately successful and the mediation of Great Britain be accepted, I entertain very confident hopes, even if Mr. Treat should not succeed, as through the Bondholders, the British Government will bring a very powerful influence to bear on Mexico. I presume you subscribe to the wisdom of the pacific policy recommended by the Executive and adopted by the congress of Texas, in the proceedings in secret session on the 19th December last. I therefore cannot too strongly, solicit the exercise of your influence in the cabinet, to prevent all hostile demonstration against Mexico either by land or by sea, until the result of my mission shall be known—or until the loan shall have been negotiated—a false step would be *fatal* to this latter measure and be equally destructive of all hope of the acceptance by Mexico of the proffered interposition of England.<sup>a</sup>

(Copy)

HAMILTON TO PALMERSTON.

CHARLESTON So Ca Feby 10th 1840

MY LORD:—

When I had the honor of holding an interview with you at your residence in Great Stanhope Street in September last, on which occasion I took the liberty of urging on you, such considerations as I thought of some value to enable you to make up your opinion, on the expediency of recognizing the Independence of Texas, I informed you that I had little doubt that, for purposes of peace and a well ascertained boundary, Texas would be willing to pay an adequate indemnity to Mexico which, under her convention with the Mexican Bondholders in London in Septr 1837 would enure to the benefit of your citizens. After this interview with your Lordship I saw several of the most respectable and influential of the Bondholders in England, and in consequence of an understanding with them, I was induced, on my recent visit to Texas, to obtain from the congress, and the Executive Government of that Republic, a distinct expression of their willingness to assent to a convention providing for such a purpose. I enclose your Lordship, confidentially, a copy of a report of the committees of foreign relations of both Houses of Congress, of which I ask your most careful and attentive perusal, together with

<sup>a</sup> For the remainder of this letter see Calendar.

certain Resolutions adopted by that body and approved by the President. I moreover beg leave to advise you, in equal confidence, that I have been authorized to accept the mediation of your Government, in case Mexico concurs in such a reference, and I am likewise appointed the agent to treat with the Mexican Bondholders, in the event of the Government of Mexico consenting that the indemnity should be paid over to her creditors in England. These facts I have communicate to Mr Pakenham, and under date of the 12th of Decr. he writes me that, whilst every public man of any intelligence or consideration, in the country concurs in opinion, that immediate peace with Texas is an object greatly to be desired, yet such is the feebleness of the Government, and such the force of popular prejudice, that the executive wants the requisite firmness to bring this proposition forward. He says, however, that the Government are willing to conclude a Truce for an indefinite period with Texas, which I have declined, without Mexico should except the mediation of your Government and transfer the Negotiation at once to London.—in which case I have signified to Mr. Pakenham my willingness to consent to an Armistice until the 1st. April 1841. On the 3rd of Jany.<sup>a</sup> from New Orleans, I communicated this reply to Mr Pakenham and am yet without his answer. I now submit to your Lordship in the briefest possible terms, some facts with which it may be of importance for you to know, as the commercial connections between Great Britain and Mexico are certainly of no small moment to your people, to say nothing of the large public debt which Mexico owes and has long owed to your citizens. It becomes therefore, a question of no inconsiderable interest to determine, whether policy does not dictate that your Government should take very active and urgent means to induce Mexico to listen to the Counsels of Peace. Her folly seems really to partake of the infatuation of madness. With internal dissensions among her own people, who are nearly divided equally, that She should not seek with alacrity, to confine her young but gigantic neighbour, to a Specific boundary, by treaty and stipulations and thus remove the constant means of affording aliment to the Federalists, presents a subject of no small wonder and surprise. This party looks confidently to an alliance with Texas, for the destruction of the present Central Government, which must be attended doubtless, by the ultimate conquest of the whole country by our race. My exertions have been strenuously employed to prevent the Government of Texas from listening to the overtures of the Federals. Gen. Anaya the chief of this party in Mexico, visited Texas in November, and endeavoured to induce, by every possible temptation of Independence and further conquest, the Executive of Texas to unite with them in

an immediate invasion of the country. This overture was declined for the present, on account of the proffered mediation of your Government, as Texas is resolved not to move, until all hopes of peace has been exhausted. The moment however, she raises the Federal banner, the whole country is revolutionized, and in this event, with the Ports of Mexico blockaded by the Superior Naval force of Texas, what becomes of your commerce and the claims of your citizens? I therefore in entire candor and sincerity, inform you that I believe, if Mexico does not listen to terms by the first of June next, that a state of things will ensue in that country which may be extremely prejudicial to the interests of your own. I shall leave New York some time in April for England on my way to France, passing through London. I will do myself the honor of paying your Lordship my respects in person. In the meantime, as not a moment is to be lost, I submit whether it might not be politic, that you should forthwith communicate to Mr Pakenham, that if Mexico does not consent to your proffered mediation, the recognition of Texas can no longer be withheld. Not that I mean to press this point upon your notice until after the adjournment of Parliament, when, I feel satisfied, I shall present considerations of such manifest interest to England herself, that your Government will no longer withhold this act of Justice from a people speaking your own language and living under your laws, and who are destined to be the best customers and firmest allies you have on the continent of America, if their good will is only cultivated by the usual comity of international intercourse. One hundred thousand of the Anglo Saxon race has been added to the population of Texas during the last Six months, and the tide of emigration is still rolling on with a full and unchecked current. Her Navy consists of a Marine Steamer, 1 corvette, 2 Brigs and 3 Schooners, which will be ready to appear off Vera Cruz on the 1st of June next, which however, it is the intention of the Government of Texas to keep in Port, that no act of hostility shall be perpetuated on Mexico until her final decision shall be learnt, whether she accepts or not, your proffered mediation.

I beg you to regard the copies of the extract from the report and the resolutions as Strictly Confidential, intended only for your private use.

I have the honor to remain, with distinguished consideration and respect, your Lordship's most Obedient Servant,

(Signed) J HAMILTON

*Commr. on the Part of the  
Republic of Texas*

Lord Viscount PALMERSTON

*Minister for foreign affaires etc. etc.*

HAMILTON TO LIPSCOMB.<sup>a</sup>LIPSCOMB TO HAMILTON.<sup>b</sup>HAMILTON TO LIPSCOMB.<sup>c</sup>HAMILTON TO LIPSCOMB.<sup>d</sup>PAKENHAM TO TREAT.<sup>e</sup>TREAT TO PAKENHAM.<sup>f</sup>TREAT TO LAMAR.<sup>g</sup>*Private.*

MEXICO April 29th. 1840.

SIR.

Under this date, I have addressed the *Hon.* Secretary of State, an official Letter, enclosing him *four documents*, all emanating from, and relating to; claims on your Govmt. by that of Great Britain, presented through Mr. Pakenham, and relating to the cases of the *Eliza Russell*, and *Little Penn*.

Mr Pakenham's letter to me, will shew you *his* views and *those* of his Government; *my* reply, will inform you, what course *I* have adopted; and my letter to the Dept. of State, will explain to you, the *reasons*, for my *thus* acting, in the *premises*; and I therefore, beg leave *Respectfully*, to refer you to said papers.

If compatible with your sense of justice, to satisfy the claim of the *Eliza Russell*, and also, that, of the *Little Penn* (if on investigation it should be found a valid one) I am sure it would *subserve* the *interests of Texas*, by thus increasing the good feeling, which I presume to exist, *towards the Republic*; on the part of England, whose minister *here*, has certainly rendered your country *many good offices*, as you are already aware.

<sup>a</sup> February 27, 1840. See Calendar.<sup>b</sup> March 31, 1840. See Calendar.<sup>c</sup> April 21, 1840 (acknowledging receipt of letter). See Calendar.<sup>d</sup> April 21, 1840. See Calendar.<sup>e</sup> April 26, 1840. See Treat to Lipscomb, April 29, 1840.<sup>f</sup> April 28, 1840. See Treat to Lipscomb, April 29, 1840.<sup>g</sup> L. S.

A prompt reply to Mr. Pakenham *direct*, in relation to these matters, with *such* assurances, as may grow out of the evidence and correspondence, *already* in the possession of your Government, *would*, undoubtedly, produce a good effect *here*, and a *copy* of the same, or a similar communication to *Gen Hamilton*, for the information and satisfaction of Lord Palmerston, would of course, produce a *similar* effect, on his mind, until, you was prepared to pay the amounts, if *not so disposed at present*.

Pardon, my dear Sir, these remarks (quite gratuitous, in the present case, I am sure) as they arise from a conviction of the *Policy* of a course which, will satisfy the *expectations*, of the *British Ministry*.

I have stated in my official Letter, *that I had addressed you, on this subject.*

In *great Haste*, I am,

Verry truly, and with great Respect

Your obt Servant

JAMES TREAT

To

Gen. M B. LAMAR

*Austin*

*Texas.*

TREAT TO LIPSCOMB.<sup>a</sup>

MEXICO April 29th. 1840.

SIR,

I have the honor to hand Y. E, herewith, a Letter, just received from Richard Pakenham Esquire, H. B. Majesty's minister, at Mexico, accompanied by two documents; *one*, an *Extract*, from Gen. Henderson's despatch, to Lord Palmerston, in relation to a claim, on the Government of Texas, arising out of the case of the "*Eliza Russell*"; and, *the other*, a *statement*, of Losses, sustained by Messrs. F. de Lizardi & Co., from the capture of Goods, a part of the cargo of the "*Little Penn*"; to which papers, I beg leave to refer Y. E, as they will sufficiently explain, the object of Mr. Pakenham, and the wishes, of his Government.

I have *also*, the honor, to send you, a copy of my reply to Mr. Pakenham, which, I hope, will meet with the approbation of Y. E, under the circumstances of the case.

These claims, it appears, have been discussed, by the Agent of Texas, Gen. J. P. Henderson, and Lord Palmerston; and the correspondence, in Y. Es Department, will shew whether, the Government, is committed to pay *one* of said claims, *without further investigation*,

and also, whether, a pledge has been given, to examine *the other*, and, if found valid and legal, a promise was made, of restitution.

The documents referred to, in my reply to Mr Pakenham's Letter, Nos 17 to 24, both inclusive, will doubtless be presented by some agent of the claimants, as you will perceive by Mr Pakenham's letter, to me, he sends them to New-Orleans, where, the parties, it is presumed, will further prosecute, the claim in question.

Of the *legality*, and *justice* of said claims, nothing will be expected from me; but, at the same time, I beg leave to remark to Y. E, that, I have thought it my duty, under the peculiar circumstances of my position here; the particular services rendered me, by Mr. Pakenham, in the objects of my mission; and the *obvious policy* (as I humbly conceive) of maintaining, at the present time, a good understanding, with the Government of Great Britain; to receive, and forward, to Y. E, these papers; and also, to reply to Mr. P's letter, in terms, which, I thought would be satisfactory to him, and to his *Government*, as he transmits copies, of our correspondence, by the Packet to sail, from Vera Cruz, on the 2d. proxo.

The above reasons, must be my apology, Sir, for interfering, or intervening in a matter purely diplomatic in its character, and, having no authority to act, in the case, *in any way*, I might have excused myself, to Mr. Pakenham, and referred him, directly, to the Government.

I did not, however, deem *this course*, in accordance with the *interests of Texas*, and hence, have disposed of the matter, as *herein* stated, which, I hope will be approved by H. E the President of the Republic, to whom I have addressed a separate letter, on the subject, and, to which Y. E, is most respectfully referred.

I will suggest to Y. E. that, any answer, to Mr. Pakenham, may be addressed to him, direct, as I may not then be in Mexico.

I have the honor to be, with Great respect, and consideration; Your Most obedient Servant

JAMES TREAT.

To, the Hon ABNER S. LIPSCOMB,

*Secretary of State of the Republic of Texas.*

*City of Austin Texas.*

Mexico, 26th. April, 1840.

SIR,

I have received instructions from Her Majesty's Government to bring once more under the notice of the Authorities of Texas the claims of certain British subjects arising out of the irregular acts of vessels in the service of Texas, which claims had already formed the subject of a correspondence between Her Majesty's Principal

Secretary of State for Foreign Affairs and General Pinckney Henderson in the years 1837, 1838 and 1839.

The demands of Her Majesty's Government upon the Texian Authorities arising out of these transactions are

First: a demand of £865. 4s. for Mr. Joseph Russell, on account of losses sustained by him in consequence of the seizure and detention of the Vessel "Eliza Russell"; and, secondly, a demand of £2636.14-3 for Messrs. Lizardi and Co. on account of the losses sustained by them by the seizure of part of the cargo of the "Little Penn".

With respect to the case of the "Eliza Russell", Her Majesty's Government are justified in hoping that no further delay will take place on the part of Texas in satisfying a claim, the justice of which, so far from being called in question, has been expressly and voluntarily admitted by the Authorities of Texas, with a promise that arrangements would be made without loss of time for its satisfaction.

From the enclosed extract of a letter from General Pinckney Henderson to Viscount Palmerston, dated 30th. October 1839, it will be seen that the highest Authority in Texas had determined that the whole amount claimed by Captain Russell should be paid to him, notwithstanding that the claim had always been and was still considered exorbitant, and that the attention of the Congress of Texas was to have been called to the subject upon its meeting in November last, with entire confidence that they would make an appropriation for the payment of the claim.

It is true that in the same letter General Henderson states that in order to settle the amount justly due in the case in question, it would be necessary for Captain Russell to empower some person in Texas, or to proceed thither to settle with such person or persons as might be named on the part of Texas, in order that the Congress might be able to appropriate a specific sum for the payment of Captain Russell; but I submit that when the highest Authority in Texas has expressly promised that the whole amount claimed by Captain Russell shall be paid to him, notwithstanding the impression that the claim was exorbitant, there seems to be no reason why the case should undergo further investigation; and I am further authorized to declare that, as well in the case of Captain Russell as in that of Messrs. Lizardi and Co., great pains have been taken to examine into the evidence adduced by the Parties interested with respect to the amount of their claims, which through the interposition of Her Majesty's Government have been reduced to the lowest sum to which the Parties appear in justice entitled.

Under these circumstances I think that you will agree with me that, as relates to the claim of Captain Russell, it only remains for the Authorities of Texas to fulfil the pledge given by General Henderson, in their name, to Her Majesty's Government, by obtaining

from the Congress, if they should not have already obtained it, the necessary appropriation for the payment of that claim, when the money may be held at the disposal of Captain Russell, to be paid to whomsoever he may empower to receive it.

With respect to the claim of Messrs. Lizardi and Co, General Henderson has stated to Her Majesty's Government "that if at any time "the claimants in this case shall produce such positive proof as is "usually required in similar cases to rebut the presumptive evidence "upon which the goods were condemned, the Government of Texas "will, without hesitation, make them full compensation".

With so satisfactory a disposition on the part of the Authorities of Texas to do justice in this case, I should imagine that there can be but little difficulty in exhibiting sufficient proof to entitle the Parties to the compensation claimed by them.

In the first place, the records of the Prize Court in which the property was condemned must, I should suppose, furnish complete evidence of the circumstances under which the capture was effected. As the case has been represented to Her Majesty's Government, the Mexican Schooner "Abispa", with a cargo of goods saved from the wreck of the British Schooner "Little Penn", was captured by the Texian Cruisers, "Brutus" and "Invincible", when about to leave "the wreck of the Little Penn". This statement of the case is corroborated by the protest of the Captain of the "Little Penn", before the Authorities of Campeche, which, with other documents relative to the occurrence, I beg leave to enclose for your perusal.<sup>a</sup>

These documents, I submit, furnish all the proof which can reasonably be expected in such a case, of the entire justice of the claim of Messrs. Lizardi and Co., and, I should hope, will be found sufficient to satisfy the Texian Authorities.

<sup>b</sup> The accompanying account shews the value of the cargo originally shipped on board the "Little Penn"; deducting from this the proceeds of that part of the cargo which was saved, and sold at Campeche, and making an allowance of twenty per cent for estimated sea damage to the remainder, which was either carried off on board the "Abispa", or prevented from being saved from the wreck by the forcible interference of the Texian Cruisers, the balance Her Majesty's Government consider to be undeniably due to the claimants by the Authorities of Texas.

In order to expedite the conclusion of this affair, I propose to advise the House of Lizardi and Co. of New Orleans, which I believe to be a branch of the London House, to appoint a proper person in

<sup>a</sup> In the margin opposite the concluding lines of the paragraph ending here is written in pencil "These Papers pray have the goodness to return."

<sup>b</sup> Opposite the first part of this paragraph on the margin is written in pencil "not to be returned."

Texas to follow up the matter with the public Authorities; and to afford any further explanation which may be required respecting the transaction on which the claim is founded.<sup>a</sup>

It was under the supposition that I was in correspondence upon other matters with General Hamilton, who was lately employed on a diplomatic Mission to Europe, that Her Majesty's Government instructed me to communicate with General Hamilton respecting the claims to which this letter relates, and to request that he would call the most serious attention of the Texian Authorities to the said claims, and to express the hope of Her Majesty's Government that an immediate adjustment of them may render unnecessary any other appeal on the part of Great Britain.

As I understand that General Hamilton has already left New Orleans on his way to Europe, I believe that I cannot better fulfil the intentions of Her Majesty's Government than by requesting you, Sir, to represent in the strongest manner to the Authorities of Texas the justice as well as the expediency of proceeding to the immediate settlement of the claims referred to.

The desire which you entertain to promote in every way the interests of Texas, and, as relates to England, to see the best understanding prevail between the two Countries allows me to hope that you will readily comply with this request, and interest yourself in attaining the object to which it relates.

I have the honour to be

with high consideration and regard,

Sir,

Your most obedient,  
humble Servant,

R PAKENHAM

[Here follows an extract Henderson to Palmerston, October 30, 1839.<sup>b</sup>]

[Copy.]

Statement of claim submitted to Her Majesty's Govt. by the Under-signed on account of the Underwriters and others interested therein, for compensation, on account of losses sustained by the Plunder of

<sup>a</sup> In pursuance of this advice, the claim was placed in the hands of F. Gassiot of Houston. Part of the correspondence between Gassiot and the Texan authorities is found in the files of the Diplomatic Correspondence and consists of: Gassiot to Roberts, August 12, 1841; Gassiot to Roberts, October 6, 1841; Gassiot to Roberts, October 18, 1841; and Gassiot to Roberts, January 11, 1842. This series is supplemented by letters found in the Records of the Department of State as follows: Roberts to Gassiot, August 23, 1841, in Book 36, p. 225; Gassiot to Roberts, September 16, 1841, in Book 41, pp. 547-548; and Roberts to Gassiot, September 29, 1841, in Book 38, p. 207. These have been excluded as more properly domestic than diplomatic in their character.

<sup>b</sup> See Calendar.

the British Schooner "Little Penn". E. Pughe, Master, when wrecked on the Alacran shoals, by the Texian armed Vessels "Brutus" and "Invincible," on or about the 30th. June 1837.

I. Value of the goods shipped on board the "Little Penn," E. Pughe, Master, at Liverpool, by T. Hibbert according to the original invoice marked A No. 1—  
is \_\_\_\_\_ £4840. 5. 2  
A No. 2 \_\_\_\_\_ 329. 19. 2

4670. 4. 4.

II. This sum of Four thousand six hundred and seventy Pounds 4/4 is the actual net cost price paid for the goods composing the cargo, all discounts and allowances deducted. To this sum 10 pr. ct. being added for Merchants commission, interest on advances etc. Insurance was effected for the amount of \_\_\_\_\_ £5100. 0. 0. upon which valuation a settlement has been made with the Underwriters, and the claims for compensation preferred V.<sup>a</sup> Declaration for Insurance in the document marked A. 3.

III. From the amount thus insured, and for which the Underwriters, as before mentioned, have settled, is to be deducted the net proceeds of the goods saved from the wreck of the Little Penn by the Mexican Schooner, "Paz", and sold at Campeche, as per annexed document, marked D. 1-2. amounting to \$7,530 \_\_\_\_\_ £143. 5. 9.

Remains 3656. 14. 3.

IV. Which sum represents the actual amount of loss sustained by the Underwriters. It is however impossible to ascertain from the account sales the exact description of the goods saved, so as to form a correct account of those remaining on board the wreck, and the Mexican Schooner "Abispa", when the Texian armed Vessels captured the latter, and plundered the remaining Cargo from the wreck. In this uncertainty we propose to deduct twenty per Cent (as the estimated amount of sea damage) from the above sum of £3656. 14. 3. say \_\_\_\_\_

731. 6. 10.

2925. 7. 5.

V. Which amount we respectfully claim on behalf of the Underwriters and others interested, together with such interest as Her Majesty's Government may deem suitable, reckoning from the 17th. August, 1837 (date of the sales of the goods saved) when it is reasonable to conclude, had not the Texian Ships of War interfered the whole of the cargo would have been landed and disposed of.

London, 20th. Novr. 1839.

(signed)

F. DE LIZARDI AND CO.

[Copy.]

MEXICO April 28th. 1840.

SIR.

I have the honor to acknowledge, the receipt of your communication of 26th. instant, in relation to, two claims, preferred, by Her Majesty's Government, against the Govmt. of Texas, arising from the capture, and detention, of the English Schooner "*Eliza Russell*", and, the capture and condemnation, of sundry Goods, being a part of the cargo of the Schooner "*Little Penn*" also, a British Vessel.

Accompanying your letter, is an Extract from a despatch, from General Henderson, to Lord Palmerston (in relation to the *first* named claim,) from which it appears, that, the Government of Texas, has, through its Agent, agreed to pay, the amount claimed, in this case.

I have also received, a statement, signed by Messrs. F de Lizardi & Co, Supported, by Sundry documents, Nos. 17 to 24 inclusive, in proof of the *Second* claim, referred to, in your communication.

I have carefully perused all these papers, and as you have desired, I herewith return the documents Nos. 17 to 24 inclusive, in relation to the Cargo of the "*Little Penn*" and the remaining two documents, together with your Letter to me, I will transmit, without delay, to the Government of Texas, for their consideration and decision.

In transmitting these papers, to the Govmt. of Texas, I shall not omit, to solicit, its early attention, in behalf of both these claims, and, I cannot permit myself to doubt, from the disposition always manifested, by the authorities of that Republic, in all cases of claims, for which, that Government, could be held responsible, *that*; these demands, will be promptly attended to, in all good faith; *that*, the engagements of Texas, will be complied with, in the *one case*, and, *that, the other*, will be disposed of, with due regard to the justice of the claim, and the proofs, by which, it is Supported.

I shall not fail to inform Her Majesty's Minister Plenipotentiary at Mexico, of the reception of these papers, by the Government of Texas, and, of such reply, as I may receive thereto.

I have the honor, to be, Sir, with great respect and Consideration;  
Your most obedient Servant

(Signed)

JAMES TREAT

To

R. PAKENHAM Esquire

*H. B. Majesty's Minister*

*Plenipotentiary, near the  
Republic of Mexico.*

UNITED STATES CONSUL AT LIVERPOOL [OGDEN] TO HAMILTON.<sup>a</sup>

HAMILTON TO LIPSCOMB.<sup>b</sup>

LIPSCOMB TO PAKENHAM.<sup>c</sup>

GALVESTON 6th June 1840

RICHARD PAKENHAM Esq.

SIR

I have had the honor to receive from Mr Treat two documents addressed to you from Mr Ogilvy the first in relation to his claims, as an assignee of an Empresario Contract, and the second as Agent of the heirs of Dr Grant, I regret my inability to afford you as satisfactory information on the first as I could wish from the Circumstances of my receiving Mr Treats letter after I had left the seat of Government—I am therefore, deprived at this time of the advantage, of a reference to documents in the State Department that would perhaps be important in explaining the nature of Mr Ogilvys claim I will however State that by the Colonization laws of Mexico, previous to our Revolution, no Empresario Contract, could be assigned the contract, itself implying a personal trust. In some cases it is true, the Government permitted substitutes. It does not appear that Mr Ogilvy was ever received by the Government of Tamaulipas, as the substitute of Mr. Bangs the Empresario. It will further appear by a reference to the laws of Mexico that none but citizens could hold land. If Mr Ogilvy has any claim, for recompense from the fact of his being prevented from fulfilling any contract by the action of this Government, The courts of the Republic are open to him for the establishment of his rights. several Empresarios have set up claims

<sup>a</sup> June 1, 1840 (extract). See Hamilton to Lipscomb, June 3, 1840.

<sup>b</sup> June 3, 1840. See Calendar.

<sup>c</sup> See Records of Department of State (Texas), Book 38, pp. 142-144.

on this ground, and an act of Congress makes a provision for those claims, by authorizing a suit to be brought against the Government, and a full judicial investigation, to be entered into. If the contract was legal, and the party prevented from complying with his contract, there can be no doubt, the court will award to him a just compensation. Mr. Bangs is a citizen of this Republic, and was at the time of his contract, if one was made, a citizen of Mexico, and it is not probable that the Government would have received as a substitute a foreigner not naturalized. If however Mr. Ogilvy has any well founded rights, he need be under no apprehension of an honest or just judicial investigation of those rights, the courts of justice here have too strong a sense, of right to refuse a faithful administration of the law to every individual who presents his claim within their portals.

On the subject of the claims of the heirs of Dr Grant it is to be regretted that Mr Ogilvy had not presented the whole case to Mr Packenham. If he had done so, it would have been placing his unreasonable pretensions at once, in so clear a light, as not to admit of a moments consideration. The truth is, that, Dr Grant was an officer, in the service of the Texan Government when he was slain, and no mans memory is held in more respect by the people of this country than his. That his heirs have large and well founded claims for land in this Republic, there is no doubt, and there can be none, as to there<sup>a</sup> being sustained, without the Agency of Mr Ogilvy. Dr Grant on entering in the war, made a will appointing a Mr Toler a respectable Citizen of this Republic, and Mr Grant his brother in Scotland, his Executors. The former has had the will duly proven, and is qualified, as Executor, and in now making progress in the Settlement of the Estate, Mr Grant has never come to this country. Should he do so, the law will allow him, to join Mr Toler in the Administration, but untill he gives (Bond and Security) and takes the Oath for the faithful discharge of his duty as Executor, Mr Toler will have the sole management of the affairs of the estate. He has given bond and Security as required by law, and there can be no doubt, that the interest of the heirs of Dr Grant will be faithfully guarded by him. I have the honor further to acknowledge from Mr Treat a copy of a communication from you to him, on the subject of the claims of certain of Her Majesty's Subjects, growing out of the detention of the Eliza Russell and for the capture of a part of the Cargo of the Little Penn. On the subject of the capture and the detention of the Eliza Russell I believe that an appropriation was made by the last Congress for payment, but not at this moment, having the benefit of access to the law, I am not able to speak definitely in relation to it. I consider however that it can-

<sup>a</sup>Their.

not afford any further ground of difficulty, and it shall receive my earliest attention, on my return to the Seat of Government. As to the claim of the Messrs Lizardi & Co. for part of the Cargo of the Little Penn, I have not received any information. Whether the Capture, being made, from the flag of Mexico would sustain its legality need not be discussed until we are advised more particularly of the Circumstances under which the Capture was made, but I can assure you, that it will at all times afford to this Government great pleasure to redress any wrong that any of Her Majesty's Subjects may have received, at the hands of any Agent or officer of this Government. This Government is so sensible of the friendly offices, you have as the Representative of her Majestys Government been disposed to extend, to us, that we never could hesitate promptly to meet by amicable adjustment, every obligation imposed by the laws of nations. I would however respectfully suggest, that for the purpose of collecting and arranging testimony, that it would perhaps, greatly facilitate, a correct conclusion on the subject, that an Agent in New Orleans should be charged with the investigation, on the part of the claimants, or that it should be transferred to Washington, and submitted to the Management of Her Majesty's Minister resident there, and Mr Bee the Minister for this Republic. I would suggest, that one of these alternatives, should be adopted, for convenience as the Agency of Mr Treat is special, and limited, and the means of communication between him and this Government is so precarious, as to be productive of great delay. On my return to the Seat of Government, I will with pleasure, communicate any additional facts, in relation to the Subjects embraced in this letter, that I may be able to obtain.

I with great pleasure avail myself of the present occasion, of expressing the great and sincere respect, with which I have the honor to be, Your

Very Obedient Servant

ABNER S LIPSCOMB

LIPSCOMB TO HAMILTON.<sup>a</sup>

TAYLOR TO LAMAR.<sup>b</sup>

BARBADOS July 28th 1840.

SIR,

I take the liberty of calling your attention to certain matters which were brought under your notice in the early part of the present year

<sup>a</sup> June 6, 1840. See Calendar.

<sup>b</sup> See Records of Department of State (Texas), Book 49, pp. 337-338. For further light on the subject discussed in the letter, see Hamilton to Russell, April 21, 1840; Lamar to Russell, October 12, 1840; Waples to Barron of the same date; Lipscomb to Barron, November 18, 1840.

by the Governor of this Island through Captain Hamilton under a commission from the British Government, respecting some coloured servants who arrived in Texas on the 6th December 1835, and whose indentures were disposed of by me to certain gentlemen of Texas in May 1836. I consider it unnecessary to enter into details, as you have, no doubt informed yourself fully of this transaction before to day. I have become the victim of a prosecution which has been instituted against me "for transferring these persons at Texas in order to their being dealt with as Slaves." It appears that the foundation of this charge is the fact that these transfers bear a later date than the Declaration of Independence of Texas, and the presumption that this Declaration had made slaves of ALL coloured persons in Texas at that time held by Indenture, and farther substantiated by Mr. Joseph Grigsby's deposition to the effect that "that these coloured people were introduced to Texas as free persons, but under the New Constitution of 1836 *they become Slaves*," I was myself under the same false impression from the time of the Congress in October 1836 until I saw the Law respecting coloured persons dated June 1837. I trust that you will at once see, and be willing to put down this mistake in the meaning and intention of the Declaration of Independence, the consequences of which are equally unjust to the good fame of the Republic, as they are oppressive to me. I trust Sir that you will never allow this blot to attach itself to the reputation of the country, over which you at present preside, that you will feel the propriety of adopting such measures as may be necessary to wipe off from it the stigma which this incorrect interpretation of a fundamental part of your Constitution seems likely to affix to it. If not so, I would urge it on your consideration, that by this affair Texas has been brought into a friendly contact with the English Government in a manner which has occasioned her to appear to much advantage, and in which there has been throughout no other than the most honorable proceeding, and which although they are now made to appear otherwise by the misinterpretation of your laws, yet it is in your own power to rectify this error in the fullest manner, and by so doing not only relieve an Innocent individual from misery and ignominy, but also bring forward to the English Government in the most favorable light the just enactment of your Republic.

If on these or any other considerations, you feel disposed to exercise your powers in the rectifying of this mistake, I would take the liberty of suggesting, that you do issue a commission of enquiry into this affair [whether these persons] (whose names I annex) *were at any time during their stay in Texas, held 'de jure' or 'de facto' for or as slaves or were so entered and recorded, and also that you make or cause to be made on the part of Texas, a Declaration or Protest, against this erroneous acceptation of your Constitutional enact-*

ments, and forward it together with report of your commissioner, to the Right Honorable Lord John Russell, Her Britannic Majesty's Principal Secretary of State for the Colonies, at the Colonial Office, Downing Street London:—under whose notice this affair is at present lying:—and also, (if I may be pardoned the boldness of the request) that you will furnish my agent in London, with a similar Document or a certified copy, to the direction attached hereto, to whom also any other communication relative to this affair may be forwarded.

In thus addressing you on this subject, I must be allowed to claim the privilege of necessity, and hope that you will be pleased to admit this plea for what may otherwise appear improper or presuming, and, I have the honor to be

(In, dependence on your favor)

Most humbly and respectfully

Your Obt. Servt.

JOHN TAYLOR

To

His Excellency

M. B. LAMAR.

The following are the names of the colored persons who are mentioned in the Indictment - - -

April Sashly, transferred to Judge William Hardin.

William Gunsil, do to William Moore.

Edward Whittaker do to Ditto

Henry Small, left by me with Joseph Grigsby Esquire

Samuel Redman do with Ditto.

William Thomas left by Mr Jones with Ditto.

The following is the address of my agent in London—

William Barron Esqr.

4—Upper Charles Street

Westminster—London.

#### MEMORANDUM CONCERNING HARPUR AND LEWIS.<sup>a</sup>

#### TREATY OF COMMERCE AND NAVIGATION BETWEEN TEXAS AND THE NETHERLANDS.<sup>b</sup>

#### HAMILTON TO PALMERSTON.<sup>c</sup>

<sup>a</sup> Undated. See Treat to Lipscomb, August 21, 1840, in Correspondence with Mexico.

<sup>b</sup> September 18, 1840. See Calendar. It was accompanied by the letter of Hamilton to Lipscomb, December 3, 1840.

<sup>c</sup> October 1, 1840. See Hamilton to Lipscomb, January 4, 1841.

HAMILTON TO LIPSCOMB.<sup>a</sup>

(Confidential)

LONDON Octr. 3rd. 1840

DEAR SIR,

Lord Palmerston's constant occupation on the Eastern question, since my arrival in London on 27th September, has not allowed him yet sufficient time to have an interview with me. But I have strong belief that England will recognize and that our treaty will be the means of promptly securing the pacification between Mexico and Texas, and a speedy negotiation of our Loan. The auspices are very bright if not obscured by a war in Europe, and no invasion or hostile aggressions is made by Texas on Mexico. War between the two, would arrest my negotiations with England, and suspend all further hope of effecting our loan. As I know the President much prefers peace, and the establishment of your public Credit, to a war of acquisition, let me earnestly hope, until you hear definitely from us by Mr. Burnley in person (who will go out the moment we obtain a contract for our Loan, in whole or in part—or an advance on our bonds—you will keep quiet. I hope by the next packet to give you interesting accounts of my London negotiations—which I think, if no inauspicious event occurs may be made eminently conducive to our financial success. Pray make my most respectful and cordial salutations to the President, I remain Dear, Sir, with sincere esteem, Very respectfully and faithfully Your Obedient Servant.

J. HAMILTON

Hon

ABNER S LIPSCOMB.

LAMAR TO RUSSELL.<sup>b</sup>

To the

Right Hon. Lord JNO. RUSSELL,

*Relative to free persons of Color transferred to Texas by John Taylor.*
 REPUBLIC OF TEXAS  
 EXECUTIVE DEPARTMENT.  
 City of Austin 12 Oct 1840.

MY LORD

I have recently received a letter from John Taylor dated Barbadoes July 28. in which he informs me that he is under prosecution for having transferred certain Persons of Color in Texas to be held

<sup>a</sup> See Records of Department of State (Texas), Book 41, p. 420.

<sup>b</sup> See Records of Department of State (Texas), Book 39, p. 203. A copy was inclosed with Waples to Barron of the same date.

as slaves and he alledges that "the foundation of this charge is the fact, that these transfers bear a later date than the declaration of Independence of Texas, and the presumption that this declaration had made slaves of all Colored persons in Texas at that time held by indenture." I have no knowledge of Mr. Taylor but it affords me gratification in Compliance with his request to testify to your Lordship the utter fallacy of this interpretation of our Institutions. Our declaration of Independence makes no allusion to the subject of domestic Slavery. The ninth article in the Schedule of our Constitution provides that "all persons of Color who are slaves for life previous to their emigration to Texas and who are now held in bondage shall remain in the like state of servitude provided the said slaves shall be the *bona fide* property of the persons so holding said slaves etc. It would be superfluous to suggest to your Lordship that under this provision (and we can have no law contravening it) it would be impossible to subject to absolute slavery any person indentured for years only or who was not a slave for life previous to his emigration to this Country. I am prompted to this communication by a desire to correct an opprobrious error in relation to our young institutions, and so far as the correction will go to vindicate the innocence of one of her Britanic Majesty's subjects. With great consideration I have the honor to be your Lordships most Obt. Servt.

MIRABEAU B LAMAR

To The Right Hon. Lord JOHN RUSSELL  
*Secty. State for the Colonies*

WAPLES TO BARRON.<sup>a</sup>

REPUBLIC OF TEXAS

DEPARTMENT OF STATE

Austin Octr 12th 1840

SIR

I am requested by his Excellency the President to transmit you the enclosed Copy of a communication to Lord John Russell relating to the affaires of your Client Mr John Taylor of Barbadoes. Mr Taylor has requested that a commission be instituted here to enquire whether certain persons of Color whose indentures were disposed of by him to gentlemen in Texas in the year 1836, were at any time during their stay in Texas held *de jure* or *de facto* for or as Slaves etc; etc. such an inquiry would be attended with some trouble and expense and the President does not consider it essential to the vindication of Mr

<sup>a</sup> See Records of Department of State (Texas), Book 38, p. 154.

Taylor as the affirmative must be proved before he can be convicted of such a charge. No man can be reduced to Slavery in Texas who was not held in lawful Slavery on his arrival here

Very Respectfully etc.

Jos WAPLES

*Acting Secty of State.*

To WM BARRON Esqr

*4th Upper Charles Street*

*West Minster*

*London*

PALMERSTON TO HAMILTON.<sup>a</sup>

HAMILTON AND BURNLEY TO LAMAR.<sup>b</sup>

HAMILTON TO LIPSCOMB.<sup>c</sup>

LONDON Octr 19th 1840

SIR,

Since the last dispatch which I had the honor to address to you, I have the pleasure to inform you that notwithstanding Lord Palmerston unceasing occupation on the eastern question, he has given me an interview and most favorable reception.

I submitted to him the project of a treaty between England and Texas, which he has promised me to lay before the Cabinet of Ministers, and promptly give me an answer. I think the prospect most auspicious which will ensure promptly our financial negotiation. In this operation we are strengthening ourselves daily. The moment the war panic subsides here, which will be the case in ten days, or a fortnight, (for we shall have no war,) I have no doubt of our doing something decisive with our Loan. In the mean time, let me entreat you, to suggest most respectfully to the President that no blockade of the Ports of Texas, or any hostile movements against Mexico, until the Government hear definitively from either Mr. Burnley or myself. It would be fatal to our negotiation. Pray say to the Secretary of the Treasury, that I will write him on the 1st. November by the Queen. That a National Bank on the plan of the first B. U. S.<sup>d</sup> is

<sup>a</sup> October 18, 1840. See Hamilton to Lipscomb, January 4, 1841.

<sup>b</sup> October 19, 1840. Written on behalf of Arthur Ikin, who appears to be in danger of losing certain colonizing privileges that he claims in Texas, and inclosed with a letter from Ikin to Lamar, October 31, 1840.

<sup>c</sup> See Records of Department of State (Texas), Book 41, p. 421.

<sup>d</sup> Bank of the United States.

indispensable to the public credit of Texas, that I will send him the project of the same, modified by one of the best heads in this country. I hope the Government will go Zealously in favor of such an institution.

With our most respectful salutations to the President, I remain Dear Sir, with the greatest esteem, Very respectfully Your. Obt. Servt.

J. HAMILTON

The Hon.

ABNER S. LIPSCOMB.

*Secty of State*

HAMILTON TO PALMERSTON.<sup>a</sup>

McINTOSH TO LAMAR.<sup>b</sup>

PARIS October 22d, 1840

To His Excellency MIRABEAU B. LAMAR

*President of the Republic of Texas*

SIR

I have received a letter from Genl. Henderson, the contents of which have not a little surprized me; and which makes it necessary in explanation of two other letters which I have had heretofore the honor to address to your Excellency, to recapitulate the circumstances of my position for the last twelvemonth.

When Genl. Henderson left Europe last November, I remained in Paris as Chargé d'affaires *ad interim* under his assurance that he would use all his influence with the Government to procure the appointment for myself, but failing in that, he would see that some other person was sent without loss of time to fill the station left vacant by his retirement, and thereby enable me to return home. In the meantime I abstained from writing to you upon the subject, from motives of delicacy which I thought you would appreciate. Some months after the departure of Genl. Henderson, I saw my appointment announced in several of the United States journals. Fearing however the possibility of some mistake, I still abstained from writing until the month of April last, when I received a letter from Genl. Henderson dated February 18th, in which he stated, that in an interview which he had had with your Excellency a short time previous, you had *distinctly promised* me the appointment, and had actually in his presence, instructed the Secretary of State to make out for me the necessary authority to enable me to negotiate a com-

<sup>a</sup> October 20, 1840. See Hamilton to Lipscomb, January 4, 1841.

<sup>b</sup> A. L. S.

mercial Treaty with the Govt. of Belgium. Upon the receipt of this letter, I hesitated no longer, but instantly wrote your Excellency expressive of my thanks for the confidence reposed in me etc. In the month of August last, having in the interim, not heard one word further upon the subject, I addressed another letter to your Excellency, urging the forwarding of my Commission and the other papers above alluded to, the nonreceipt of which I attributed entirely to some accidental omission or neglect.

I now learn by a letter from Genl. Henderson, that you had stated on a late occasion "that no Chargé d'affaires had been appointed to the Court of France, and that none would be appointed until Genl. Hamilton and Mr. Burnley had negotiated the loan." How this is to be reconciled with your previous *promise* made to Genl. Henderson, is for your Excellency, not for me, to determine. I will not conceal from you, that my first impulse on the receipt of the letter prompted me to leave Paris at once, and without ceremony to return home. After consideration however, together with the advice of Friends, convinced me that such a step would have an injurious effect upon the standing of our Country at this Court.

I now address your Excellency, not with any view of complaining, but *simply* to explain my two letters of April and of August last, and at the same time to resign into your Excellency's hands whatever office I may hold under the Government of Texas. My stay in Paris has been attended with some pecuniary sacrifices, which I made with cheerfulness, and under other circumstances, would have continued to make with cheerfulness. At present however I am unwilling to do so, and I must therefore request, and your Excellency will pardon me if I say that under the circumstances I have a right to *demand*, that my successor shall be sent out *without delay or loss of time*.

Having accomplished the object which induced me to address your Excellency, I have nothing further to add, but that I am

Your mt. obt. St.

GEO. S. MCINTOSH.

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DEPOSITION OF HARDIN AS TO NEGRO SUBJECTS OF GREAT BRITAIN HELD AS SLAVES IN TEXAS.<sup>a</sup>

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HAMILTON TO LIPSCOMB.<sup>b</sup>

LONDON November 1st. 1840

SIR,

Since I last had the honor to address you, I beg leave to report that I have concluded with the Belgian Government the project of

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<sup>a</sup> October 31, 1840. See Lipscomb to Barron, November 18, 1840.

<sup>b</sup> See Records of Department of State (Texas), Book 41, pp. 421-422.

a treaty, which I shall leave this for Brussels on the 10th Inst to sign and execute. It has been concluded on the basis of the most perfect reciprocity, and I hope will in all respects be satisfactory to the Government of Texas. I have likewise the happiness to report that after repeated interviews with Lord Palmerston he has at last called upon me to submit the project of a treaty between Texas and Great Britain, which I have accordingly done, and which is now before the cabinet, for their decision. The Treaty comprehends the mediation of England for an immediate pacification between Texas and Mexico. Lord Palmerston has promised in the course of the present week to bring the project before the cabinet. He assures me that Lord Melbourne and Lord John Russell are decidedly in favor of recognizing provided we can agree on the terms of the Treaty, and I am quite sure of Lord Palmerston's own favorable disposition. Indeed during the intense anxiety and constant occupations, which the Eastern question must have occasioned, he has given me frequent interviews, and afforded me the most cordial facilities to get my business before Her Majesty's Government.

The point of success which I have reached, has surprised me, however slow and gradual that progress may have been. Considering the powerful interest I have had afforded to me, I cannot but attribute much of that success, to the firmness with which Lord Palmerston has approached a public question, environed with great difficulty from the state of the public feeling in Great Britain of a large and most influential party on the Slave question. I have likewise succeeded in conciliating the Mexican Bondholders, who have within themselves great influence. I hope therefore by the Great Western, not only to report to you that Texas has been formally recognized by England, but to send you the treaty or treaties for ratification. Mr. Burnley and myself have a prospect of doing something in relation to a credit on our bonds, which if he accomplishes, he will leave in the Great Western on the 7th. I will remain to complete if possible the financial negotiation.

The recognition of England renders the negotiation in question almost certain the moment the prospect of a European War ceases, and no War or disaster occurs in your relations with Mexico. I have only a moment to assure you of the great esteem, with which I am very respectfully your obedient Servant.

J HAMILTON

Hon. ABNER S. LIPSCOMB  
*Secty of State.*

HAMILTON TO PALMERSTON.<sup>a</sup>

LONDON Novr. 5th 1840

MY LORD

As our communications relative to the proposed mediation of Her Majesty's Government, in procuring a pacification between Texas and Mexico, and the assumption by the former, of a portion of the public debt of the latter, have hitherto been entirely verbal, I beg leave to transmit you, this despatch, that the reasons and motives, which may influence the Republic of Texas in making this assumption may not be liable to any future misinterpretation.

In the first place, I must enter a *protestando* against the inference, that Texas is *bound* in any degree, for any portion of the said debt, on any principle of international law, or by any one obligation of private justice.

Mexico violated the Charters she had granted to Austin's Colonies, on the faith of which, the Anglo Americans had emigrated to Texas, and recovered its territory from the savage tribes, with whom Mexico was incapable of coping. These violations were accompanied by atrocities which rather belonged to the dark ages than the Era in which we live.

Texas consummated her independence in 1836. In 1837, after Mexico had lost all possession of, and sovereignty over Texas, she concluded a convention in London with the Mexican Bond-holders, and assigned certain portions of her public Lands in several of her provinces or Departments, as a security for the payment of the bonds. She was guilty of the absurd mockery of including in this Convention, those situate "in the Department of Texas" when She had neither a man nor a foot of Land, over which She exercised jurisdiction east of the Rio Grande.

I need not insist, I am sure with your Lordship upon the absolute nullity of this Convention, as far as Texas is concerned. But what I desire to do, is to do voluntarily, as a concession to the benevolence and philanthropy of Her Majesty's Government, which have induced you to come forward and offer its intervention, in producing a pacification between the two countries honorable to both.

If therefore Mexico will consent, to a truce with Texas within thirty days, after the communication of any convention we may conclude on the subject, by Her Majesty's Minister at her Capital, and in six months after will conclude a Treaty of Amity and Commerce with Texas, which shall provide for a satisfactory and well defined boundary between the two countries, I will be quite willing

<sup>a</sup> See Records of Department of State (Texas), Book 41, pp. 503-504; copy inclosed with Hamilton to Lipscomb, March 3, 1841, in Correspondence with France.

to come under stipulations, that Texas shall assume One Million Sterling of the public debt of Mexico, contracted by Mexico, prior to the year 1835, which is precisely the sum, the United States offered for the whole country in 1830. The value it has acquired since, has been conferred on it, by the enterprize heroism and intelligence of the Citizens of Texas themselves, and is a just and honorable acquisition of their own.

This I desire to be regarded as a voluntary concession. For I conceive Texas, no more bound to assume a portion of the public debt of Mexico, than the thirteen American Colonies which achieved their independence, were bound to assume a share of the National debt of Great Britain. Your Lordship however, in our conferences, never pressed this as a matter of right, altho' I have not failed to recognize the zealous attention and regard, you have paid to the interest of a class of Her Majesty's subjects, who have long suffered under the bad faith of Mexico and whom under a just equivalent to the citizens of Texas, I shall be gratified if they shall be instrumental in indemnifying.

In conclusion I have the honor to remain, with distinguished  
Consideration and respect

Your Lordships most  
Obt Servt.

J. HAMILTON.

The Right Hon.

Viscount PALMERSTON

etc. etc.

PALMERSTON TO HAMILTON.<sup>a</sup>

HAMILTON TO LAMAR.<sup>b</sup>

HAMILTON TO JONES.<sup>c</sup>

DEPOSITION OF GRIGSBY AS TO NEGRO SUBJECTS OF GREAT BRITAIN HELD  
AS SLAVES IN TEXAS.<sup>d</sup>

<sup>a</sup> November 5, 1840. See Calendar.

<sup>b</sup> A. L. S., November 6, 1840. See Calendar.

<sup>c</sup> November 6, 1840. See Calendar.

<sup>d</sup> November 13, 1840. See Lipscomb to Barron, November 18, 1840.

TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND  
TEXAS.<sup>a</sup>

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CONVENTION FOR BRITISH MEDIATION WITH MEXICO.<sup>b</sup>

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TREATY BETWEEN GREAT BRITAIN AND TEXAS FOR SUPPRESSION OF  
SLAVE TRADE.<sup>c</sup>

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LIPSCOMB TO BARRON.<sup>d</sup>

REPUBLIC OF TEXAS

DEPARTMENT OF STATE

*Austin 18th of November 1840*

SIR

Agreeable to the request of John Taylor Esqr, of Barbadoes, I herewith transmit the evidence of Joseph Grigsby, and Augustus B Hardin, with a copy of the Original contract between William Moore and said John Taylor relating to certain persons of color; with the certificates of the properly authorized persons to take evidence

I have the honor to be

Your Obt Servant

ABNER S LIPSCOMB

*Secretary of State*

To WILLIAM BARRON Esqr

*London*

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REPUBLIC OF TEXAS

*County of Travis*

On this the thirteenth day of November one thousand eight hundred and forty personally appeared before me James W Smith

<sup>a</sup> November 18, 1840. See Gammel, *Laws of Texas*, II, 880-885; *House Docs.*, 28th Cong., 2d sess., (serial No. 465), Doc. 98, pp. 1-5. It was accompanied by the letter of Hamilton to Lipscomb, December 3, 1840. The treaty is signed by "J. Hamilton" and "Palmerston", with their respective seals attached. There are in the archives engrossed copies of this treaty, the convention for mediation signed on the 14th, and the treaty for suppression of the slave trade signed on the 16th, bound in velvet and inclosed in elegant boxes. Each is signed by Queen Victoria and has the great seal of the United Kingdom attached. These copies were presented by the Government of Great Britain to that of Texas when the ratifications were exchanged, June 28, 1842.

<sup>b</sup> November 14, 1840. See Gammel, *Laws of Texas*, II, 886-888. It was accompanied by the letter of Hamilton to Lipscomb, December 3, 1840.

<sup>c</sup> Signed by Palmerston and Hamilton, November 16, 1840. See Burnley to Burnet, February 21, 1841. The ratification was delayed until June 28, 1842, when this treaty was ratified jointly with that of commerce and navigation, concluded November 13, 1840, and the convention for mediation, concluded November 14, 1840. See Worley, in the *Quarterly of the Texas State Historical Association*, IX, 11-16.

<sup>d</sup> See Records of Department of State (Texas), Book 38, p. 155.

Chief Justice and Exofficio a Notary Public for the County and Republic aforesaid, and made oath on the Holy Evangelist of Almighty God, that in the month of May 1836 Three Negroes subjects of Great Britain indentured Servants of Mr John Taylor of Barbadoes Named Samuel Redman, Henry Small and William Thomas, were left in the care and possession of deponent, and that he believed said Taylor never exercised ownership over them otherwise than as indentured Servants, and said Negroes have since that time been held by deponent as the agent of said John Taylor as such servants, with the understanding that he would deliver them up to said Taylor whenever called for. And about the month of February last Commander Hamilton of Barbadoes made a demand upon deponent for said Negroes, When they were given up to him, and he is fully aware that none of said Negroes were ever sold in Texas as Slaves or held as such,

JOSEPH GRIGSBY.

Sworn to and subscribed before me in the City of Austin and Republic aforesaid. In testimony whereof I have hereunto set my hand and affixed my Seal of office on this the thirteenth day of November in the year one thousand eight hundred and forty, and of the Independence of Texas the Fifth

J W SMITH

*Ch J. Travis Co.*

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REPUBLIC OF TEXAS

*County of Liberty*

Whereas by an order from his Excellency Mirabeau B Lamar President of the Republic of Texas, received through the Department of State under date of the tenth day of October Inst. directing me the undersigned, to take depositions of William Moore of this County, or that of any other person having a knowledge of any facts relative to certain Negroes Named William Gunsil and Edward Whitaker, owning allegiance to the Government of Great Britain, who were left with the said Moore by one John Taylor during the Spring of 1836; and to ascertain whether said Negroes were sold and held as Slaves by the said Taylor or of any other person etc. etc. etc. In obedience to which I George W Miles Chief Justice and Exofficio a Notary Public in and for the County aforesaid, have caused Augustus B Hardin of said County of Liberty, to be and appear before me for the purpose of giving his testimony touching the matters aforesaid, and he being by me duly sworn upon the Holy Evangelist of Almighty God, deposed and said, that in the month of May or June A. D. 1836 William Gunsil, and April Sashly, two Negroes brought

to this Country by John Taylor as Stated by them, came to the House of this deponent in the County of Liberty, and wished to hire themselves to this deponent to work upon his plantation. Deponent further saith that he refused to hire the said Negroes; unless they would indenture themselves to him for a term of years, that one of them, Viz. April Sashly did indenture himself to this deponent for the period of time that he the said April might remain within the limits of this Republic, and that the other, Viz. William Gunsil after remaining one or two months at the plantation of this Deponent, left, as this deponent believes for the City of Galveston.

Deponent further States that previous to the said April and William coming to his plantation that he saw them upon the Netchez<sup>a</sup> in the County of Jefferson, that they had the complete control of their own acting, and that he deponent never knew any person or persons to use, claim or exercise any right of ownership as Slaves over them.—and further Deponent saith not

A. B. HARDIN

Sworn to and subscribed before me in the Town of Liberty County and Republic aforesaid. In witness whereof I have hereunto set my hand and affixed my seal of office on this the thirty first day of Octr in the year 1840 and the Independence of the Republic of Texas the fifth.

GEO W MILES  
C J C L  
*and Ex Officio Not Pub*

(Copy)

Know all men by these presents that we John Taylor and Thomas G Ames late of the Island of Barbadoes having there Contracted with certain men of Color (Viz) William Gunsil Edmund Whittaker and Edward Hicks (renewed such contracts here) to serve us four years as our indentured Servants, for the consideration that we should bear their expenses to this country, and then pay them Forty dollars per annum for the time of their servitude, have bargained and sold said contract with said Negroes to William Moore of this Town, and do obligate said Negroes to serve said Moore in the same manner they were to serve us, and do warrant said indentured Servants to be good property, during the term of four years to said Moore the consideration for which we have sold said Contract being five hundred dollars in cash the receipt of which we do hereby acknowl-

<sup>a</sup> Neches.

edge to us in hand paid in the Town of Georgia on the Natchez<sup>a</sup> River in the presence of the Undersigned witness the 28th day of May 1836

(Signed) TAYLOR AND AMES  
Pr JOHN TAYLOR

Witnesses

THOS M DUKE  
JOSEPH GRIGSBY  
GEO EWING

REPUBLIC OF TEXAS

*County of Liberty*

Before me Geo W Miles chief Justice and Ex officio a Notary public in and for the County aforesaid, personally came and appeared William Moore of said County to me known, and he being by me duly sworn deposed and said that the within Contract is a true and Correct Copy of the only Contract ever entered into between this deponent and John Taylor in regard to William Gunsil Edmd. Whitaker and Edward Hicks men of Color further the deponent saith not.

Wm MOORE

Sworn to and subscribed before me on this the Second Novr in the year one thousand eight hundred and forty (1840) and of the Independence of the Republic of Texas the fifth As witness my hand and seal of office at Liberty date above written

GEO W MILES C J C L  
*and Ex officio Not Pub*

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HAMILTON TO EDWARDS.<sup>b</sup>

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PALMERSTON TO HAMILTON.<sup>c</sup>

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HAMILTON TO LAMAR.<sup>d</sup>

LONDON Dec<sup>r</sup> 3d 1840.

(Private and confidential

MY DEAR SIR—

I beg leave to refer you to my Letter to the Secy of State<sup>e</sup> and Mr Burnleys Letter and mine to the Secretary of the Treasury<sup>f</sup> for

<sup>a</sup> Neches.

<sup>b</sup> November 23, 1840. See Hamilton to Lamar, December 3, 1840.

<sup>c</sup> December 2, 1840. See Hamilton to Lamar, December 3, 1840.

<sup>d</sup> A. L. S.

<sup>e</sup> Of the same date as this.

<sup>f</sup> Of the same date, to Starr.

a full statement of our proceedings plans and movements up to the present time.

I feel confident that G. B. will now compel under her recognition Mexico to make peace with us. The more promptly therefore the Treaty is ratified by Texas the better.

I feel the utmost confidence in the probability of our effecting an arrangement for the Loan by the 1st. January to enable Mr. Burnley to go out.

With a view to have the Govt. introduced to the Court of her Majesty I would respectfully ask you to [have] me nominated as Minister Plenipotentiary and Envoy Extraordinary to the Govt of her Brittanic Majesty. I do not wish a Secy of Legation and as soon as the Exchange of the ratification is made in London I will come home and you can appoint a *charge* which I suppose will be the grade the British Govt will send. But until the Ratifications are exchanged in London I think it best to remain with my present rank. It will be necessary *now* to have my name sent in.

I subjoin a Letter I had to address to the celebrated Col. Monroe Edwards who has appea[r]ed here and made an application to the British Govt to demand of Texas the surrender of 200 Africans which he alledges were fraudulently sold to him, as they were emancipated and apprenticed under the Slave Treaty between Spain and England. I have checked him I believe altho' he has brought *two* of the negroes over here to tell their own Story and applied to Lord Brougham and the ant[i]slavery Society to aid him. I will watch him and endeavour to act with firmness and moderation.

Having now got through with my Diplomatick affairs I shall leave for Holland tomorrow and hope to do something on the Loan

I am My Dear Sir with great esteem and respect,

J HAMILTON

Lord Palmerston has requested that his dispatches for Mr. Pakenham with our mediation Treaty should be sent by a fast sailing vessel to Vera Cruz from Galveston if there is no vessel from New Orleans. I have written to the Naval Commander at Galveston to despatch a fast sailing schooner in this event—which I hope will meet your approval.

I enclose you Copy of Lord Palmerston's note respecting the Despatches.<sup>a</sup>

His Exy.

G. B LAMAR

<sup>a</sup> These two paragraphs following Hamilton's signature are evidently postscripts, the first being written on the margin of the second page of the original and the second on the margin of the first page.

## HAMILTON TO EDWARDS.

(Copy.)

No. 15. COCKSPUR ST.  
LONDON, Novr. 23d. 1840.

SIR,

I have just been informed by Mr. Stevenson that you have presented to him a Letter of Introduction asking his good Offices from the Secretary of State of the United States,<sup>a</sup> and that you have a similar Letter to Genl. Cass the American Minister at Paris.

I beg leave to inform you that I have apprized Mr. Stevenson that you are a Fugitive from the Public Justice of the Republick of Texas charged with the commission of an infamous crime. I shall feel it my duty to make a similar communication to Genl. Cass. I likewise understand that you propose making an application to Lord Palmerston for the aid of Her Majesty's Government for the purpose of subserving some alleged objects of Public Justice in Texas. As the Representative of the Republick of Texas in Great Britain I shall not fail to advise Lord Palmerston of the facts which I have communicated to the Representatives of the Government of the U. States at Paris and London.

I hope you will spare me the pain and necessity of a more detailed and Public Statement of your recent History in Texas

I remain

Your obt. Servt.

J. HAMILTON

*Envoy of the Republick of Texas.*

MONROE EDWARDS Esqre.<sup>b</sup>

Lord Palmerston presents his compliments to Genl. Hamilton, and has the honor to transmit to him herewith a packet of Despatches addressed to Her Majestys Consul at Vera Cruz containing Despatches for Her Majesty's Minister at Mexico. And Lord Palmerston requests General Hamilton will have the goodness to cause this packet to be despatched by his Messenger who leaves London tomorrow Evening, to be forwarded from Galveston by a fast sailing Vessel to Vera Cruz.<sup>c</sup>

FOREIGN OFFICE

December 2nd. 1840.

<sup>a</sup> In the copy.

<sup>b</sup> Edwards was a noted slave trader and swindler. For a sketch of his career, see *Life of the Celebrated Monroe Edwards*, etc., by a Texian. The charge against him in Texas was forgery.

<sup>c</sup> The dispatches referred to probably contained instructions to Pakenham to guide him in fulfilling the terms of the convention for the mediation of Great Britain between Mexico and Texas, which had been concluded between Great Britain and Texas, November 14, 1840.

HAMILTON TO LIPSCOMB.<sup>a</sup>

LONDON Decr. 3rd. 1840

SIR,

I do myself the honor of transmitting you by Arthur Ikin Esqr. Bearer of Despatches Three Treaties—which I have negotiated under very full powers.

To wit.—One Treaty of Amity and Commerce with the Government of the King of the Netherlands.<sup>b</sup>

One Treaty of a similar character with the Government of Her Brittanick Majesty.<sup>c</sup>

One Convention providing for the prompt and effectual mediation of Her Majesty's Government with a view to procure a speedy pacification with Mexico.<sup>d</sup>

The last Convention is in pursuance of my special Commission founded on the joint resolutions of both branches of the congress of Texas approved the 23rd. Decr. 1839.

The treaty with the Netherlands is founded on the basis of the most *perfect* reciprocity. It contains a principle which had first been adopted by France in her Treaty with the same Government to wit—That with the view to the extension of Commerce and freedom of Navigation that the Ships of both Nations shall bring to the ports reciprocally of each the productions of any other country. As Holland conceded that we should determine what should constitute a Texian Vessel by even an instantaneous transfer on board of a purchase[d] vessel of the Flag of Texas I conceived this principle in the Treaty was admirably calculated to encrease the Commercial Marine of Texas.

The Commercial Treaty with England is likewise on the basis of the most perfect recip[r]ocity and I am happy to add that during the period that the convention has to run that she has relaxed her Navigation Laws in favor of Texican Vessels . . .

The Convention of Mediation and pacification you will see I have drawn out with even a higher caution than the Resolutions of the Congress of Texas would have authorized. By those if Mexico agreed to the Boundary we prescribed we should have been bound by the Treaty We are now bound by nothing except by the stipulations of a Treaty hereafter to be negotiated under the mediation of England which will be invalid without our full concurrence.

This convention has done the repute and Credit of Texas in Europe infinite honor It has built up for us a host of friends among not alone the Mexican Bondholders, but among other en-

<sup>a</sup> L. S.<sup>b</sup> Concluded September 18, 1840.<sup>c</sup> Concluded November 13, 1840. .<sup>d</sup> Concluded November 14, 1840.

lightened and highly honorable classes who are entirely disinterested who perceive in this act the evidence of the justice moderation and love for peace with which the new Republick is disposed to act.

As the Mexican Bondholders decided to have their Million Sterling commuted for Land situated between the Neayches<sup>a</sup> and Rio Grande it is quite obvious that this Treaty so far from costing Texas a Farthing it will be the source of wealth population and strength to her. The Mexican Bondholders ardently desire this communication and in the event of the ratification of the Treaty by Mexico they will endeavour at once to have it effected.

They have waited on Lord Palmerston by a Deputation and signified their anxious wish not only for peace between Texas and Mexico but that commutation should be made. In the event of its being effected that they will forthwith adopt an emigration and colonization Scheme on the plan of the South Australian Colon[iz]ation system and throw a large population of our own race of valuable Emigrants into the country.

I however took especial care in my correspondence with Lord Palmerston to enter a p[r]otestando against its being considered for one moment that Texas was bound for any portion of the Debt of Mexico but we made this a concession to our desire for peace and a well defined Boundary between the respective Nations. This correspondence will be forwarded to you by the January Packet by Mr. Burnley. Lord Palmerston has sent by the British Packet a Copy of the Convention and urgent despatch to Mr. Packenham instructing him to make a solemn and emphatick appeal to the Government of Mexico—which I have no doubt altho. Mr. Treats Mission may have failed will meet with success backed as this appeal will be by the whole influence of the Mexican Bondholders which they have executed by a combined movement. This Convention will at least if it is even not ratified by Mexico if ratified by Texas enable us to effect I am sure not a part but our whole Loan and thus placing the means in the hands of Texas to command peace on her own terms. I cannot but urge the instantaneous ratification of these Treaties and that they may be forwarded to the *Charge* of Texas at Washington to wait instructions from me by what mode they shall be forwarded to me.

I enclose a form of ratification for all the Treaties. This form is adopted by the United States of America which will serve for Texas.

In consequence of the Government of Belgium waiting on some discriminations without an adequate equivalent my Treaty is not signed with that power. But I hope to forward it by Mr. Burnley,

<sup>a</sup> Nueces.

as I leave this for Brussels tomorrow on my way [to] <sup>a</sup> Holland to re-enter into negotiations for the Loan.

I remain Sir

with the highest respect  
Your obedt. servt.

J. HAMILTON

To the Hon. ABNER S. LIPSCOMB  
*Secy of State*  
*of the Republic of Texas,*  
*Austin.*

HAMILTON TO LIPSCOMB.<sup>b</sup>

[Private and confidential.]

LONDON Dec 3d 1840.

MY DEAR SIR

As soon as the Treaties with England are ratified I should like to have my name sent to the Senate and confirmed as Minister Plenipotentiary and Envoy Extraordin[ar]y to the Govt. of Her Britannick Majesty. I do not wish to hold the appointment after the exchange here. But it will give me influence and power in this Country. I hold now the appointment but without confirmation.

If I remain in Europe next summer I will go to Spain and negotiate for the Cuba Trade for Tex[as.]

But more of this hereafter.

At present my hands are full of the Loan which I hope soon to place in a course of investment.

I remain My

Dear Sir

Yours faithfully

J. HAMILTON

Hon

ABNER S. LIPSCOMB.

*Secy of State*

To give dignity to the recognition of England I ought to be nominated to the full grade of a *Minister Plenipotentiary*. I do not care a farthing about the pay.

Make no appointment of Consuls for England until you hear from me as we may make them highly influential for the service of the Republick.

<sup>a</sup> Torn off.

<sup>b</sup> A. L. S.

HAMILTON AND BURNLEY TO STARR.<sup>a</sup>

LONDON Decr. 3rd. 1840.

Hon JAMES H. STARR

*Secretary of the Treasury.*

DEAR SIR,

We had confidently hoped that by the steamer which departs for Halifax tomorrow, the writer would have been able to embark, with an advance on our Bonds, for the present use of Texas—but the detention of the steamer President two weeks beyond her regular time of arrival, has left us too little time to close an arrangement, which depended somewhat on the arrival of that vessel, and which we hoped and believed we could have effected if she had arrived earlier. We now hope and believe we shall make that arrangement, if not negotiate the loan, in time for the next steamer which departs on the 4th. of January.

It is proper however we should inform you, that there is no *certainty* that the arrangement mentioned can be made or the loan negotiated by the 4th. of Jan'y. Money is still exceedingly scarce here, and commanding a high rate of interest for ordinary transactions (as high as 10 or 12 per cent on undoubted paper.) American securities are still very much depressed, and the late change of administration in the United States, has created the impression here—whether right or wrong—that this market is again to be flooded with additional state securities—so that at present it affects injuriously the credit of a house to be known that it is engaged in American business.

The chances of European war are diminishing daily tho' the "Eastern question" is not yet finally settled, and when settled, it must be in a manner to wound and mortify the pride of the French very much, which will dispose that excitable people to go to war upon the first plausible pretext. England is also at present actually engaged in a war with China and with India, and the "Maine boundary question" is looked upon as possibly giving cause for difficulty—all these causes added to the present general stagnation of business, render that extremely sensitive class—the Capitalists—very timid and cautious about parting with their money.

On the other hand. It is confidently anticipated that the American business will revive and improve very much in the spring. It is believed the Bank of the United States will resume in January, and that the southern and western Banks will follow. No one doubts the *present* difficulty with France will soon be settled. Gold is returning to this Country from the Continent which rectifies the exchanges and relieves the bank of England—and the immense Capital of this Country must find employment abroad, as soon as the

holders of it are relieved from the fear of parting with it, which we believe will be the case before the spring.

Under these circumstances—with the great aid we derive from our recognition by England—with the powerful influence we have enlisted in our favor here, and on the Continent, which is ready to move whenever the proper moment shall arrive—we *confidently believe*, as do our friends, that a stock intrinsically as valuable as ours, will be among the first to sell at the price we ask for it, and on the Confidence which Capitalists feel that this will be so, do we found our hope and expectation that if we cannot sell by 1st Jan'y that we can at least procure an advance, but of course our success in doing either must depend in a great degree upon the course which the great national events of the world affecting the money market here, may happen to take, and in no less degree upon the wise and pacific policy which Texas may think her interest and honor may require her to pursue. In any and all events, we are laboring continually to strengthen ourselves. Genl. H. goes to the Continent in a few days; the writer remains here to watch the current of things in both Countries, and to avail ourselves of any favorable turn in the tide which has set so long and so strong against us.

Though both of us have been long separated from our families, and our private affairs are suffering, we are resolved to see this business out, and to justify the confidence of the Government by forcing success if human efforts can command it.

With sentiments of the highest respect

We have the honor to be

Your obt. Sevts.

(signed)

(signed)

J. HAMILTON

A. T. BURNLEY

A true copy of the original on file in this Department<sup>a</sup>

Treasury Department

Austin Jan. 25th 1841

Wm. SEVEY  
Chf. Clk. Treas. Dep.

PALMERSTON TO HAMILTON.<sup>b</sup>

HAMILTON TO LIPSCOMB.<sup>c</sup>

LONDON, Jan'y 4th. 1841.

SIR,

I did not send out by Mr. Iken the bearer of the dispatches I had the honor of transmitting you on the 3rd. of Decemr. a special con-

<sup>a</sup> The original has not been found.

<sup>b</sup> January 2, 1841. See Hamilton to Lamar, January 4, 1841.

<sup>c</sup> Copy. The original is not on file.

vention which I concluded with her Majesty's Government for the suppression of the African Slave Trade,<sup>a</sup> because anticipating the necessity of Mr. Burnley's return to Texas at the present moment, on business of importance to the Republic, I was desirous of confiding the Treaty in question to this Gentleman, who familiar with all the details of its negotiation might be able to afford such explanations as may be necessary to insure its ratification by the President and Senate of Texas.

You will perceive that whilst Lord Palmerston has waived all right to enquire into the internal institutions of Texas, yet he has made her concurrence in the great law which seems now to regulate the intercourse of civilized nations, to wit: a union in those measures which are deemed essential to the suppression of the African Slave Trade, as a preliminary and indispensable condition of her recognition by Great Britain. Under my general powers to obtain an acknowledgment of the Independence of Texas from Great Britain on the best terms possible, I have concluded with his Lordship the Treaty which I have now the honor to transmit with the sincere and anxious hope, that it will be promptly ratified by those authorities to whom this trust is confided under the constitution and laws of Texas.

I beg leave to refer you to my letter applying to his Lordship, for the recognition of Her Majesty's Government marked A., to his reply marked B., and to my answer marked C.

The Treaty will speak for itself, which I hope in any event may be promptly published, as carrying the best justification I can offer to the people of Texas for having signed such a convention.

But I desire to place my reasons in a form free from the formal stipulations of the document itself that it may be clearly seen that I did not sign this contract without weighing well what I believed belonged to the interest and honor of Texas.

In the first place the abhorance of the whole civilized world of the African Slave Trade, is becoming so universal that no new Government at least, can stand out in any, even a silent toleration of the abuses of this traffic, by declining to concur in those measures for its suppression which seems to be adopted by very general accord by almost all nations.

Even where the mutual right of search is not conceded, that Flags belonging to such powers will be violated and ship[s] overhauled and be subjected to vexatious detentions and hardships is proved incontestably by the frequent violation on the coast of Africa of ships of the United States of America for which the Minister of the United States can obtain no redress and one of two things the Government of the U. States will have to do either to sign a Treaty with England

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<sup>a</sup> On November 16, 1840.

conceding the right of search on board of slavers, or to go to war, for the repeated violations of her Flag. Seeing how little redress Mr. Stevenson has been able to obtain for his own country, notwithstanding his able, prompt and vigorous appeals to the Government of Her Britanic Majesty, I determined when Lord Palmerston made the signature of a convention for the suppression of the African Slave Trade a *sine qua non* and I saw what the convention was,—how guarded in its provisions, by which England great and powerful as she is, subject[s] her Commercial Marine to search by the Naval Force of Texas, as well as<sup>a</sup> not to hesitate in regard to the execution of a Treaty, and to prefer a regulation of this right, under the authority of Texas herself rather than to be compelled to acquiesce in a violation of our Flag without the shadow of authority, which I am sorry to say, and say it with deep humiliation, is now the case with the vessels of the United States.

Such is the force of public opinion in Europe, in regard to the African Slave Trade, that I have no example in affirming that the right of search in all cases of well, or even ill founded suspicion, will be exercised, and from the peculiar locality of Texas, her vicinity to Cuba, that Great Mart of the Slave Trade, her Flag would be insecure, and thus results the obvious inquiry, whether she had not better take this subject under her own control to a certain extent, by exercising the authority to commission alone such vessels as she thinks proper to clothe with the requisite power to search, to have her coasts exempt from visitation, and to insure that all vessels prostituting her Flag, to the purposes of this traffic shall be brought into her own ports for adjudication. You will perceive that I have stipulated 1st. That the right of search shall be reciprocal, and only applicable to the African Slave Trade. 2ndly. That this right shall only be exercised by vessels under a special warrant from the President of Texas, recoverable of course in the case of any violation of the Treaty on the part of any Officer of Her Britanic Majesty to whom the President may confide such a commission. 3d. That every precaution has been adopted to prevent the abuse of vexatious delays, and groundless seizures, and to redress and punish all such abuses. 4thly. In all cases the vessels which may be detained under the suspicion of their being slavers, are to be taken into some one of the ports of the country under whose Flag they are navigating for adjudication. 5thly. To avoid the possibility of abuse by the manumission in Texas of the Africans seized under the Treaty, and who may be incapable of providing for their own subsistence and protection, the British authorities, at the expense of the British Government are to convey them to one of the British West India Islands.

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<sup>a</sup> Either the words "as well as" are a copyist's corruption, or there is something omitted.

6thly. The Coast of Texas is by the lines of latitude and longitude, designated in the Treaty declared exempt from the exercise of the right of search. I endeavored to have this exemption extended to the whole Gulf of Mexico, but in consequence of the enormous traffic in Africans from the coast carried on in and from the Island of Cuba, I could not secure this object and finally agreed on the compromise contained in the Treaty.

As Spain, Portugal, the Netherlands, Belgium and even France, the most jealous nations on earth of the Naval Powers of Great Britain, have all conceded this right of search, concluded conventions by no means as guarded as the one to which I have affixed my signature, I trust it will be deemed no violation of the just pride of the new Republic that I should have signed for her a similar compact on the basis of an entire reciprocity.

The truth is that the right of search in the Treaty I have the honor to transmit you is no more like the right of search which Great Britain exercised for more than fifteen years on board of American vessels than a naked act of violence is analogous to the execution of the Judgment of a Court of Justice. I have not been alarmed by the potency of mere names against the evidence of what things really are. If the Texan vessels are searched, I wished them searched under the authority of your own magistrates, and if your Flag is fraudulently prostituted to the purpose of a traffic, you have declared piracy, that the parties offending shall be tried by your own courts, that <sup>a</sup> by the admiralty courts of the West Indies, or mixed commissioners <sup>b</sup> on the coast of Africa.

If there is a concession in this matter I have thought it was not beyond the value of the recognition of such a power, as the great and renowned parent from which we have all sprung, and that Texas owed this unequivocal proof of her good faith in her Constitutional inhibition of the traffic, and to the refutation of the slander industriously propagated in Europe, more especially in England, that the cause of her separation from Mexico, was that she might enjoy its fruits, under the security of a public opinion which could annul her own laws. When I say to you (a fact of which I believe you are fully aware) that I am a slave holder and that in 1813 I joined that portion of the army of the United States which invaded Canada because our marine was searched by British cruisers without the authority of our Government as the United States made peace without a single stipulation in regard to the right, or its abuses, I leave you therefore to infer whether I would willingly sign a Treaty endangering the security of the property, or injurious to the honor of the Flag of Texas.

<sup>a</sup> Apparently a copyist's error for "than"; but to complete the sense "rather" should be inserted before it.

<sup>b</sup> Probably miscopied for "commissions."

I can not but reiterate the anxious desire that the President and Senate of Texas would concur in the expediency of ratifying the Treaty, as I feel satisfied without an unworthy concession, this measure will go far towards conciliating the regard and securing the friendly sympathy of the most enlightened nations of Europe, by whom her Independence has been acknowledged, and with whom she has found valuable and interesting commercial and international intercourse.

I have the honor to remain, Sir,

Very Respectfully

Your Obt. Servt.

J. HAMILTON.

The Hon.

A. S. LIPSCOMB

*Secty of State*

P. S. I transmit copies of the Slave Trade Treaties, England has concluded, with France, The Netherlands and Spain.<sup>a</sup>

[Copy.<sup>a</sup>]

(Copy of Document A.)

LONDON Octr 1st 1840

To the Right Honorable  
Viscount PALMERSTON

MY LORD:

I desire the honor of presenting my credentials to your Lordship, as the Envoy of the Republic of Texas, charged with the function of making an application to Her Majesty's Government for the Recognition of the Independence of the Republic of Texas,—charged likewise with the duty of negotiating a Treaty of amity and commerce between the respective countries, should this recognition be made.

Your Lordship is so well acquainted with the foreign relations of the powers of the new, as well as the old world, that I deem it almost unnecessary to inform you—1st. That Texas has *de facto* achieved her independence. 2ndly. That she has established a Government; founded civil and social institutions; and acquired an intelligent and warlike population, which furnish her with undoubted means of maintaining that Independence, against the power of that country, from which she has separated herself by a formal Declaration.

On the unquestionable authority of these facts, Texas obtained in 1837, the recognition of her Independence by the United States of America, in 1839 by His Majesty the King of the French, and during the autumn of the present year, by His Majesty the King of the

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<sup>a</sup> See Records of Department of State (Texas), Book 41, p. 458.

Netherlands, and by His Majesty the King of Belgium, with the first of whom I have concluded a Treaty of Navigation and Commerce, and with the last have agreed on the project of a similar convention.

I now present myself to Her Majesty's Government for a like purpose, and cannot but express the sincere pride and gratification I should feel, if in conjunction of your Lordship, I could be in any degree instrumental in extending, and confirming those friendly relations, which are destined to exist between the citizens of the Governments we respectively represent, whose intercourse must be cemented by the reciprocal benefits of a lucrative commerce, and by the sympathies of a common origin, Religion, Language, Literature and Laws.

I have the honor to be, with distinguished consideration and respect, Your Lordships.

Most Obt. Servt.

(Signed)

J HAMILTON

[Copy.<sup>a</sup>]

(Copy B.)

FOREIGN OFFICE, Octr 18th 1840.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 14th Instant, announcing that you have been charged by the Republic of Texas to make an application to the British Government, with a view to obtain the Recognition of the Independence of Texas by Her Majesty, and that you are empowered to negotiate a Treaty of amity and commerce between Great Britain and Texas.

I have to state to you in reply, that \* \* \*

[Also inclosed in this letter was Hamilton to Palmerston, October 20, 1840.<sup>c</sup>]

HAMILTON TO LAMAR.<sup>d</sup>

LONDON Jan'y 4th 1841

MY DEAR SIR:

I regret that I am unable to inform you, that the loan is negotiated. But unfortunately the severe pressure in the money market yet continues. France is yet in a disturbed State, whilst she, together with all the large continental powers are about to come into the market with heavy Loans, which [exerts?]<sup>e</sup> a most depressing influence on our negotiations. But above all, the last Steamer brought out the intelligence that Mr Treat had entirely failed in his negotiations, and

<sup>a</sup> See Records of Department of State (Texas), Book 41, pp. 458-459.

<sup>b</sup> For the remainder of this letter, see Calendar.

<sup>c</sup> For this letter, see Calendar.

<sup>d</sup> See Records of Department of State (Texas), Book 41, pp. 500-502.

<sup>e</sup> Here the copyist left a blank.

that Mexico was about to commence [to wage war] promptly and effectually against Texas—Although I knew that the last was entitled to very little consideration; yet we are unable to persuade Bankers, who are the most nervously sensitive beings on the face of the earth, of this truth, and hence the hope I cherished, that by the first of January we should be able to do something effectual, is yet deferred.

When I tell you that not one American Loan, has been negotiated in Europe this whole season, that the rate of interest on British securities is 6 per cent, and that money can be used at the rate of 10 per cent on private bills, I leave you to judge what a most unpropitious state of things we have had to contend with. But we have made so, but hard progress<sup>a</sup> towards the ulterior accomplishment of our object. We have secured the active interest of the best powers here and on the continent in our negotiation, who have promised to take the operation in their hands and under their earnest consideration the moment the market opens. Mr Burnley and myself have opened a Treaty with a large and most respectable Banking House here, for an advance on our bonds, stipulating that they shall have the agency of the Loan, whenever in their opinion they think it can be placed, without a sacrifice in the market. We are in treaty likewise with Mr Jaudon the agent of the Bank of the United States, to procure the guarantee of the Bank on the pledge of our Bonds for the advance, the last of which, from the friendly disposition [of the] Bank, we think we shall without failure accomplish. I deeply regret, that a decision cannot be obtained in time to enable Mr Burnley to convey the intelligence; but he goes out under the following circumstances of urgent policy and necessity.

Our Bankers, both here and in the continent, tell us emphatically that nothing could have a more propitious influence, whether in the negotiation of the Loan, or the procurement of an advance on the bonds, than that one of us should forthwith repair to Texas, enforce the necessity of the prompt ratification of the Mediation Treaty, and inculcate the indispensable necessity of Texas abstaining from all hostile movements on Mexico, until her decision is ascertained on the recent Treaty I have concluded with Great Britain. Indeed we are assured that whilst nothing would destroy all hope of a successful negotiation of the Loan, so soon as an offensive movement on Mexico, nothing at the same time would cause a more favorable influence, than to have it affirmed that Mr Burnley had proceeded forthwith to sustain the counsels of peace.

In a conversation I had with Lord Palmerston he concurred in these views and thinks if Texas should deem it expedient to have a Plenipotentiary near Mexico, that Mr Burnley, who is familiar with

<sup>a</sup> Hamilton's handwriting is very difficult to read, and the copyist has evidently failed to read it correctly here. Conjectures as to what was really meant by Hamilton are too uncertain to be of any real value.

our whole negotiation, who has likewise been in direct communication with the Mexican Bondholders, of all persons is the best qualified individual to undertake such a mission.

He has therefore acted on the presumption that Your Excellency would concur in these views, and in the event of your sending an Envoy to Mexico to watch the movements of that Government in case they were prepared to treat that Mr Burnley might be on the spot, with the means of enlisting the good offices of Mr Pakenham. He has enclosed a letter to this gentleman in the communication I here-with transmit you, as strong a despatch in favor of Mr Burnley as he could well indite.

My plan, in consultation with Mr Burnley, is, that he should be furnished with plenary powers, to treat with Mexico on the basis of my London Treaty; but go down privately to Mexico in an American Merchant vessel from New Orleans as an American citizen, being provided with a passport for this purpose, by the Government at Washington; to place himself in confidential intercourse with Mr Pakenham, and at any moment that gentleman may advise him, that the Mexican Government are prepared to accede to the London Treaty, to close at once, under such instructions as he may receive at Austin. In the mean time I will remain, strain every nerve to command success; and if in the present month I obtain an advance, I will send out the necessary credits to meet Mr Burnley in New Orleans, that he may draw for the immediate relief of the Government of Texas.

I can only tell you, that I am in constant and favorable communication with the most powerful and most influential and respectable Houses in Europe. But if I fail in the next fortnight in negotiating the advance, I will proceed to Paris, open a negotiation with Banker Rothschilds, and make a strong appeal to the good faith and magnanimity of the French Government. Depend upon it my good Sir, I have nailed my colors to the mast and will not abandon my trust until all hope is utterly extinct. I will then repair to Texas and Join with you counsels that shall take resolves rather from courage than despair. With a pacification with Mexico, we could negotiate our Loan in a fortnight; but this she has the means to withhold; but how long she may sullenly withhold, will be a question which must be discussed, when I assure you the Loan can not be negotiated; but I believe in spite of all difficulties, that we can, with a little more perseverance and patience.

I cannot close this letter, without adverting with the sincerest gratitude and acknowledgements of the distinguished services of Mr Burnley in the cause of Texas. He has contributed by his writings and conversation largely to make her be known in Europe, and has aided me most essentially by his advice in every step I have taken in my diplomatic negotiations. If he goes out to your side of the

waters it is to transfer himself to a new and more important sphere of usefulness, from which, understanding the whole subject, he may aid me in my movements here. You may rely on his probity, talent, address, courage, and entire devotion to the Republic, and from his intimate acquaintance with public opinion here, is of all men the best qualified for the confidential trust to which with every confidence I have ventured to suggest your Excellency in case of necessity you should call him.

I did not apprise you of the slave trade convention which I had to conclude with Lord Palmerston to ensure recognition, because I was fearful unattended by those explanations Mr Burnley might afford it, would be liable to misconstruction. Referring you to my letter to the Secretary of State, and my correspondence with Lord Palmerston, I have only to add that I am sure you will concur in the necessity of my acquiescing in such a convention, when Mr Burnley shows you the opinion of the Solicitor of the Bank of England, who advised us, that no valid contract could be made in the security of the bonds of an unrecognized Government. This of course made the recognition of England a measure of indispensable importance. But when you read the Treaty and see after all, the right of search is to be exercised on Texan Vessels under your own warrant, that they are to be brought into your own ports for adjudication, and that the coast of Texas is to be exempt from visitation—I hope you will perceive not the slightest objection to giving to the Treaty your high sanction. I have no hesitation in assuring you of how much injury the rejection of the Treaty would do Texas in public opinion in Europe, whilst its ratifications would be equally beneficial. I am happy to inform you, that your Message has been re-printed in several of the London papers with the highest approbation. Indeed Texas is becoming an object of universal interest, which I think a propitious argument that she will be soon in good credit.

I deeply regret to hear of your Excellency's ill health. I hope sincerely that Mr Burnley may find you convalescent, and that your life may be long spared in happiness usefulness and honor.

I must beg that this letter may not go into the public prints—of course it is at the disposal of yourself for all other purposes. Lord Palmerston of course would not like the reference I have made to him should be made public.

In conclusion allow me to assure you of the great esteem with which I am

Respectfully and faithfully Yours

J. HAMILTON

His Excellency

M B LAMAR

Prest Republic of Texas

[Private.]

BROADLANDS 2nd Jany 1841

MY DEAR SIR.

As I think it possible, that in the present State of the negotiations between Texas and Mexico Mr Burnley may upon his return to Texas be employed in Mexico as Negotiator on the part of Texas; I take the liberty of sending you the enclosed note, to introduce Mr Burnley to Mr. Pakenham, our Minister in Mexico; and I have in that note requested Mr. Pakenham to place himself upon a footing of confidential intercourse with Mr. Burnley, and to afford him all proper assistance in the negotiation with which he may be charged.

My Dear Sir

Yours Sincerely

Gen HAMILTON.

PALMERSTON

MAYFIELD TO HAMILTON.<sup>a</sup>

DEPARTMENT OF STATE

City of Austin Feby 12th 1841

Gen. JAMES HAMILTON

SIR. Herewith you will receive through Mr Ikin the Treaty of amity and commerce between this Government and that of the United Kingdom of Great Britain and Ireland, as also the Treaty with the King of Holland and likewise the conventional Treaty having for its object, the mediation of England in a settlement of our protracted and embarrassing difficulties with Mexico: all of which have received the Constitutional sanction of this Government, and only await a proper exchange of ratifications to give to them that validity, and usefulness contemplated by the respective contracting powers. Accompanying those are transmitted your Commission as Minister plenipotentiary, and Envoy extraordinary near the Court of St James, together with the necessary letters of Credence to facilitate you in affecting a speedy exchange of ratifications of the respective Treaties.

The President instructs me to urge you to avail yourself of the earliest opportunity in concluding all the formalities essential to the entire validity of those Treaties, as it is deemed that it will have a salutary effect on our relations foreign and domestic. The President likewise instructs me to intimate to you, that it would perhaps be premature to open any negotiations with the English bond holders, for a sale of land in Commutation of the debt this Government may assume under the Treaty, until the views of the Government of Mexico are definitely known.

In the absence of Gen. Lamar, and the press of business incident to the adjournment of Congress, the President<sup>b</sup> has not had time to

<sup>a</sup> See Records of Department of State (Texas), Book 38, pp. 160-161.

<sup>b</sup> That is, Vice-President Burnet, who was discharging the functions of president in the absence of Lamar. See next letter of same title and date.

call a cabinet meeting touching the contents of your letter relative to the English Bond holders, but will do so at the earliest possible period—when you will be furnished with ample instructions on that subject.

The recent attempts of Mr. Saligney<sup>a</sup> Charge d'affaires of the King of the French, to get a grant of three Millions of acres, with the privilege of establishing fortifications from the Rio Grande to Red River, makes it a subject of some delicacy whether foreigners shall be allowed to hold lands in this country in large and connected tracts, many objections to which must obviously present themselves to your mind. Allow me to refer you to Mr Ikin for all information relative to the acts of last Congress.

With Sentiments of respect, I am, respectfully  
Your Obedient Servant

JAS S. MAYFIELD

P. S. We have no facilities here for getting the Treaties bound, you will take care to have them neatly put up and bound in Vellum, as your taste and judgment may dictate. Respectfully

J. S. M.

MAYFIELD TO HAMILTON.<sup>b</sup>

DEPARTMENT OF STATE CITY OF AUSTIN

To Gen JAMES HAMILTON Feby 12th, 1841.

SIR. You will notify the Minister of foreign affaires at the Court of St James, of the United Kingdom of Great Britain and Ireland: that in consequence of the protracted ill health of the President, and his having obtained leave of absence from Congress to Visit the United States to obtain medical aid, that the duties of the Chief Magistrate under the Constitution has devolved upon the Vice President. You will also communicate this to such of the European Courts to which you may be accredited

Respectfully. Your Obedient Servant

J S. MAYFIELD.

BURNLEY TO BURNET.<sup>c</sup>

HOUSTON Feby 21st. 1841.

To his Excellency

D. G. BURNETT

DR. SIR

You have no doubt seen the letter which I had the honour to address to Mr Starr late Secretary of the Treasury, from Wash-

<sup>a</sup> Saligny.

<sup>b</sup> See Records of Department of State (Texas), Book 38, p. 161.

<sup>c</sup> A. L. S.

ington City.<sup>a</sup> After the date of that letter, I proceeded with all possible despatch for Texas, and indulged the hope that I should reach Austin before the adjournment of Congress—to accomplish which I took the route through Carolina Georgia and Alabama, rather than through the West, down the Ohio and Mississippi, altho my family, from whom I have been separated for near twelve months, were in Kentucky. Owing to the dreadful condition of the roads, produced by about six weeks of incessant rain, I was about twice as long in reaching New Orleans as I would have been under more favorable circumstances. In Orleans I was detained three days waiting for a conveyance and on reaching Galveston recd. the first certain intelligence of the adjournment of Congress. By the first Boat from Galveston I came to this place intending to proceed to Austin this morning, but upon reflection I have determined that it is my duty (and what you would prefer I should do) to write, and send on my papers by a special messenger and return immediately to New Orleans. My letter to Mr Starr will have informed you that I *expect* to receive letters from Genl. Hamilton, which will reach New Orleans from the 1st. to the 5th of March, containing authority to draw for an advance on our Loan. My letter also gives the reasons upon which I base the expectation of receiving the authority to draw and I am sorry that I cannot, in candour, express more confidence of success than my last letter expresses. Still as there is reasonable ground to hope that the authority to draw for an advance will come out, I have concluded you would prefer I should return to New Orleans to receive it if it comes, and to realise the money for the country with the least possible delay, rather than to lose ten or 12 days going to and returning from Austin to say what I can perhaps as well write. Under these circumstances I hope you will approve my determination to return to New Orleans.

The subject of most importance—in reference to the negotiation of the Loan—which I wish to call the attention of your Excellency, is the sending of some intelligent gentleman forthwith to Mexico to treat for peace, upon the basis of the Indemnity Treaty (which I understand the Senate has been pleased to ratify<sup>b</sup>) and under the mediation of the British Government. From all the information I have recd. from Mexico I do not believe a single intelligent man of that country indulges the expectation seriously of ever recapturing Texas, and nothing but mortified vanity induces them to withhold their acknowledgment of our Independence. The Indemnity Treaty

<sup>a</sup> This letter has not been found.

<sup>b</sup> This refers not to a treaty already concluded, but to the secret joint resolutions authorizing one adopted December 20, 1839, by the House and December 21 by the Senate. See Joint Report of Senate and House Committees on Foreign Relations, December 19, 1839.

affords them an opportunity of abandoning all threats even of designs upon the country without violence to their vanity and self love, and I cannot but believe, that under the powerful influence and cooperation of the British Government and British Bondholders, there will be little difficulty in establishing peace upon such terms, and with such a boundary as will be satisfactory to Texas. Besides the general reasons for desiring a pacification with Mexico, I will say, with a confidence—amounting almost to certainty—that it would insure the negotiation of the Loan in 30 days after it was known in London, and if anything—short of a pacification—can produce a negotiation of the Loan it will be the receipt of intelligence that Texas had in good faith ratified the Indemnity treaty and promptly sent a Minister to Mexico to treat for peace. In fact I would not be at all surprised to learn from Genl Hamilton that an advance had been made upon condition of the ratification by Texas of the indemnity treaty and her sending a Minister to Mexico—and in any event, if we should fail in another effort to procure peace with the mother country we shall, in the eyes of the world, be doubly armed by the justness of our cause when we may appeal to force. Some gentleman has suggested to me that the Government had probably determined to wait untill they heard from the British Minister at Mexico, or the Mexican government that they were willing to treat for peace, upon the basis of the indemnity treaty, after they had been notified by the British Minister of the formation of such a Treaty. I do not know whether this suggestion is correct or not, if it is I would respectfully suggest to your Excellency that you will probably receive no information from Mexico on this subject for some time, as they will be ignorant of the ratification by Texas of the Indemnity Treaty and they will be expecting a Minister or Commissioner from Texas to propose, as a matter of course, upon *what terms* and with what boundary we will be willing to make peace and pay the proposed indemnity.

By the Messenger who takes this letter, I send to Genl. Lamar a long communication from Genl Hamilton, which Genl. L will probably forward to your Excellency. In that communication I am aware Genl Hamilton's partiality has induced him to recommend me strongly as a fit person to be sent to Mexico. On that subject allow me to say, that for the purpose of increasing the probabilities of procuring an advance, I promised to leave London on three days notice, to proceed directly to Texas to urge upon the government here the things I am attempting to urge by this letter, and *if necessary*, to go to Mexico, if desired—believing at the time I should not be desired to go, and knowing it would not be *necessary*, when so many others, more capable, were willing to go.

My absence for twelve months from my family, and the *possibility* that I *may* be required to return to Europe to close this business of the Loan, which Genl Hamilton may not be able to remain long enough to close, would render it impossible for me to go to Mexico at this time—and I hope you will consider the fact, that I know Genl Hamilton has pressed my pretensions on the President, as a sufficient apology for my saying I could not go to Mexico, when I have not been asked to do so, and when you would probably never have thought of asking me.

I am however much gratified to learn, it was rumored that our distinguished atty Genl., Judge Webb, was to be sent to Mexico whenever any body was sent. If your excellency shall concur in the opinion, that it is proper Judge Webb or any other citizen enjoying your confidence, shall be sent to Mexico immediately—and the want of funds should be an insuperable obstacle to the Mission—and you will inform me by the return of the Messenger, directed to New Orleans—the *least* amount upon which such a Mission can be undertaken—I will, even if we fail to get the advance expected, make the effort in New Orleans to raise the money myself—and if the sum is not too large, I feel confident I can do it—but I beg you to reduce the sum to the least amount which will suffice—and to give me information by return of the messenger whether you have determined to send any one to Mexico or not.

Your Excellency will observe by a reference to Genl Hamilton's letter to the Secy of State, which accompanies this, that he ~~anticipates~~ procuring some aid from the French Government if necessary, in negotiating the Loan in France. I would express a contrary opinion with diffidence and great deference to Genl H's better judgement, but having spent part of the summer in Paris attempting to further the objects of our Mission, I feel that it is due to the government to express the opinion I have formed on a subject in which you will feel so much interest. I am satisfied the French Government entertains the most friendly feelings towards Texas and in a time of quiet and prosperity, for the commercial advantages we might offer them, would be strongly disposed to grant us the aid we desire—but when, as at present, they have incurred enormous expenses in preparation for a general war against all Europe, and are themselves at this moment applicants for a larger Loan than any other power—and when the French King is himself threatened with the loss of his Throne, I do not believe he will take the responsibility of committing his Government for us, without the previous sanction of Legislative authority—to obtain which, in the present unsettled political and financial condition of the country, I consider perfectly hopeless. During the summer I *know* it could not be done and I discharge my duty by expressing the *opinion* that it cannot *now* be done—tho' I shall be

most happy to find myself mistaken and am perfectly satisfied that if untiring perseverance and consummate address can accomplish the object, it will be accomplished by Genl Hamilton.

I send you herewith a Treaty which Genl Hamilton was obliged to conclude with Lord Palmerston in relation to the *African Slave Trade*, and I refer you to his letter to the Secy of State herewith, for explanations in relation thereto—to which I do not see that I can add any thing. With the constitutional denunciation of that Trafic in our Constitution I do not see how we can well refuse to enter into such a Treaty. It was necessary to sustain the British Ministry in the bold measure of recognising our Independence in defiance of the fanatacism and active opposition of the powerful party of abolitionists in England. Its ratification will defeat their slanders and silence much of their opposition—while a refusal to ratify will give them a triumph—will be the ground for additional slanders and misrepresentations, and deeply prejudice our Country through out all Europe. You will also find the Treaty so guarded that I think the most sensative and fastidious will not object to it.

I send you also herewith the opinion of the Solicitor of the Bank of England that the Bonds of an unrecognised Government could not be made the subject of contract in England—consequently that our Loan could not be negotiated in that country without recognition.

I do not know whether you will consider it of sufficient importance to convene the Senate to submit this treaty to them but if you do not, I would suggest the propriety of keeping it from the public untill the Senate meets—as its fair consideration might be prejudiced by misrepresentation and unfounded excitement.<sup>a</sup>

The letters to Judge Lipscomb which are sent herewith were opened by him at this place<sup>b</sup>

The other letters for the different departments which I send herewith were placed in my charge when it was thought I was going to Austin.

Genl. Hamilton will certainly not leave Europe, unless he has negotiated the Loan—untill after he has heard from me on my return to the United States.

Immediately on reaching New Orleans and receiving letters from Genl Hamilton I will write you again—and if I am authorised to draw for an advance will send the information by a Special Messenger and probably return to Texas myself as soon as I have negotiated the Dfts.

<sup>a</sup> There are filed with the correspondence copies of a resolution of the Texan Senate ratifying the treaty, dated January 22, 1842, and of the letter of W. D. Miller, Secretary of the Senate, dated January 24, 1842, transmitting the resolution to the Secretary of State. *Of. note o, p. 911.*

<sup>b</sup> The letter from Hamilton of January 4, 1841, with its inclosures.

Tho' unsuccessful in closing our business thus far—I hope our efforts to do so have met the approbation of the Government and that we shall secure its continuance by the manner in which we shall perform what remains to be done.

With Sentiments of distinguished

consideration I have the honour to be

Yr. obd. Svt

A. T BURNLEY

[With this letter was transmitted the treaty of November 16, 1840, between Great Britain and Texas for the Suppression of the Slave Trade.<sup>a</sup>]

PALMERSTON TO LAMAR.<sup>b</sup>

IKIN TO MAYFIELD.<sup>c</sup>

No 1.

LONDON May 18th 1841.

DEAR SIR:

Owing to various trifling casualties and unavoidable delays which occurred in travelling from New Orleans to New York, and to a long voyage from thence to this country, I did not reach London till last week, when I immediately proceeded to deliver my despatches to Genl Hamilton.

The Genl. will have informed you of the difficulty which has occurred with regard to the immediate ratification of the British Treaties, owing to that which was brought by Mr. Burnley having been too late to obtain the consideration of Congress, and to this Government's objection to sign one without the other. The delay is much to be regretted, as of course it must have the effect in some measure of retarding the interest of the Republic in this country.<sup>d</sup> During the interval the Texas Minister can be viewed as nothing more than Envoy or Commissioner; and, with regard to myself, the Exequatur to act as Consul must also be equally delayed; tho' I presume I shall be able to authenticate documents going out to Texas, and that the authentication will be there respected, as there are several of importance which individuals wish to send, and with regard to which delay would operate very injuriously.

If I find it can be done with propriety it may also be desirable for me to appoint (according to the power vested in consuls) a tem-

<sup>a</sup> See Gammel, *Laws of Texas*, II, 889—904.

<sup>b</sup> April 8, 1841. See Crawford to Lamar, July 30, 1841.

<sup>c</sup> See Records of Department of State (Texas), Book 41, pp. 506—507. Ikin seems to have been appointed consul at London, though neither his commission nor the request for his *exequatur* has been found.

<sup>d</sup> See note c, p. 911.

porary consular agent in Liverpool, as I think it will be necessary that an authorized commercial Representative of the Republic should, as soon as possible be established in that port. In the selection of the individual I should be chiefly guided with a view to his character and influence, and tho' the appointment might be only pro tem. I should [prefer] that he would remain until the Government had some other individual or recommendation in view.

Genl. Hamilton still looks forward to the bare chance of the Tory Government which is expected to succeed the present one immediately, being less precise with regard to the Treaties, and to their ratifying one without the other; but I fear he will be disappointed in this expectation.

There is little fear that war will now take place between Great Britain and the United States, a proposal is now before the country for taking off the duties on foreign Sugar and timber, which I mention as bearing on the future interests of Texas. Nothing however can be said of the immediate prospects of effecting this change though I trust it will ultimately take place.

Should the Texan Government wish at any time to make contracts for such kinds of Military, naval or other stores as can be obtained more cheaply here than in the United States, I have connexions who would undertake to furnish them on terms more advantageous than I think, could be easily obtained elsewhere. I would also venture to suggest that ere long advantageous dispositions of public land might be made in this country.

May I beg the favor of you causing the enclosed letters to be delivered.<sup>a</sup>

Dear Sir

Your most Obt. Servt.

ARTHUR IKIN

The Hon

JAMES S MAYFIELD

*Secretary of State.*

HAMILTON TO MAYFIELD.<sup>b</sup>

LONDON, May 18th 1841.

SIR:

I have the honor to acknowledge the receipt of your favor of the 12th Feby together with the ratifications of the Treaties of Amity and Commerce and Mediation with her Majesty's Government and that with the King of the Netherlands.

<sup>a</sup> These were doubtless private.

<sup>b</sup> See Records of Department of State (Texas), Book 41, pp. 507-508.

In presenting myself at the foreign Office on the 16th Inst (for it was only on the 15th Mr. Ikin reached London having been upwards of two months on his journey) Lord Palmerston reminded me of our stipulation and the invariable practice of European Courts that in the case of treaties executed at the same time, the exchange of ratifications should be simultaneous and as the Treaty for the suppression of the African Slave trade did not reach Austin before the adjournment of the Senate owing to the unexpected delay in Mr Burnley's journey his Lordship has declined to ratify the two treaties brought out by Mr Ikin, until the third arrives. I assure you that his decision is made without the smallest change in the friendly dispositions of Her Majesty's Government, but in strict conformity to established rule.<sup>a</sup>

As the congress of Texas will not sit until October next, it was necessary that his Lordship and myself should extend the time for the exchange of the Ratifications. We accordingly have this day<sup>b</sup> concluded the protocol of conference of which I enclose you a copy. The consequence is that no resident Minister or Chargé can be recognized or received at this Court until the exchange is made. I shall retain my full powers for the purpose of ratifying the treaties, the honor of which is the only remuneration I seek for my diplomatic services.

I shall be in Austin a week before the meeting of Congress to afford such explanations of the Slave trade convention as I trust will be satisfactory to all branches of the Government, and be prepared to return in the Spring to England to exchange the Ratifications, after which I will most cheerfully surrender my appointment. As I have put the Republic to no pecuniary loss by this arrangement, I hope it will be satisfactory. In the mean time it will be totally unnecessary to send out any Minister or Chargé as he would not be either recognized or received as a diplomatic Agent. I do not desire a Secretary as it would be uncalled for expense to the Republic.

I beg you to assure the President that his instructions as to any Compact or Treaty with the Mexican Bond holders, shall be strictly attended to. Pray make acceptable likewise to him, my thanks for the appointment as Minister Plenipotentiary and Envoy Extraordinary to this Court, with which he has honored me, and for which I have received my commission and the necessary letters of credence.<sup>c</sup>

I have the honor to remain with great respect

Your Obt. Servt.

J HAMILTON

Hon

J S. MAYFIELD

*Secy of State. etc. etc.*

<sup>a</sup> See note <sup>c</sup>, p. 911.

<sup>b</sup> The protocol is dated one day later.

<sup>c</sup> The commission and letters referred to have not been found.

Protocol of conference held at the foreign office May 19th 1841 between the Plenipotentiaries of Great Britain and Texas.

Whereas, there was concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Republic of Texas on the 13th Novr 1840 a Treaty of Commerce and Navigation and on the 14th Novr. 1840, a convention containing certain arrangements relative to the public debt and on the 16th Novr 1840 a Treaty for the suppression of the African Slave trade, and it was stipulated that the ratifications of all these Treaties should be exchanged at London within nine months from the time when they were respectively signed.

And Whereas, unforseen delays retarded the journey of Mr. Burnley, the gentleman by whom the original of the last of these Treaties was forwarded by the Texan Plenipotentiary to his Government.

And Whereas, the Congress of Texas separated this year earlier than was expected and was not longer sitting when Mr. Burnley arrived at Galveston.

And Whereas, in consequence of these circumstances the Texas Senate, have as yet advised and consented to the ratification of only two out of the three Treaties.

And Whereas, it was agreed between the British and Texan Plenipotentiaries that the ratifications of all the three above mentioned Treaties should be exchanged simultaneously.

And whereas, the Texan Congress will not meet again until the month of October next, The Plenipotentiaries of Great Britain and Texas who signed the three Treaties aforesaid having now met together have agreed and do hereby agree and declare that the time for the exchange of the ratifications of said Treaties will be extended to the first day of June 1842.

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PROTOCOL OF CONFERENCE BETWEEN PLENIPOTENTIARIES OF GREAT  
BRITAIN AND TEXAS.<sup>a</sup>

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ROBERTS TO HAMILTON.<sup>b</sup>

DEPARTMENT OF STATE  
City of Austin July 5th, 1841.

SIR

I have the honor to acknowledge the receipt of your letter to Mr. Mayfield who is at present absent, of the 15th May.<sup>c</sup> It has been detained about ten days between Galveston and this place owing to the sickness of the messenger who had been sent up with it.

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<sup>a</sup> May 19, 1841. See Hamilton to Mayfield, May 18, 1841.

<sup>b</sup> See Records of Department of State (Texas), Book 38, pp. 159-196.

<sup>c</sup> The matter in the next paragraph shows this to have been the letter recorded as of May 18.

We had previously heard of the refusal of the British Government to ratify the two treaties taken out by Mr. Ikin, because the third one, for the suppression of the African Slave Trade, did not reach this Country in time for ratification by our Senate. Your assurances that this decision of the British Government is made without the smallest change in the friendly disposition of Her Majesty's Government; but in strict Conformity with established rule, relieves this Government of much apprehension, for from recent indications we thought we had reason to attribute it to other motives.

Information reached this Department last night of the return of Judge Webb to Galveston, permission having been refused to him to land even. In order that you may be fully possessed of all the circumstances attending his rejection, I have caused copies of the Several Communications which passed between him and Mr. Pakenham to be made which are enclosed. The translations of the Mexican Communications were made very hurriedly and are imperfect. They are pretty literal however and will convey to you at least the meaning of the writers. I call your attention particularly to the closing paragraph of the letter of the 10th June. The affected horror of the Mexican Secretary for the Slave trade which he asserts is carried on in this Country, presents a new point of objection and was evidently introduced, more for the effect it was supposed it would have upon the councils of England than from any principle of State policy. Taken too in Connexion with the refusal of the British Govmt. to ratify the two first Treaties, because the African Slave trade Treaty had not been ratified by us, although this was in strict Conformity with established usage, as you assure us it was, it certainly presents matter for reflection if not uneasiness.

I should not dwell so much upon this point, or view it in so serious a light if it was not for the great excitement produced, as far as we have yet heard, in every part of the country, where the news of the rejection of Judge Webb, has reached. Public meetings are being held and war speeches made all over the Country. It seems now, in fact, almost inevitable. In what condition we are to become the assailant, no one knows better than you do, and if this news reaches you *before* you have closed your Negotiations for the loan, the consequences must be disastrous in the extreme. The emergency is such that General Lamar has resolved to go at once down to Galveston, for the purpose of satisfying himself on many points of which he is now in some doubt and while there the policy to be pursued will be finally settled. You may I think prepare yourself, for what I feel confident must come *War*. More I cannot say at present; but if I go to Galveston whatever is determined on shall be immediately communicated to you from that place.

In the event of War, the Congress will probably be Convened immediately after the election, say about the 25th Septr. I mention

this now, that you may if you think it necessary be prepared, upon further Notice, to set out so as to be here early in the session.

The President deeply regrets that there should have been the least room for doubt in your mind as to the proper construction to [be] placed upon the appointment of Gen Green to succeed you at the Court of St. James. It was understood by President Burnet from the phraseology of your letter that you only desired to remain there long enough to exchange the ratifications of the treaties you had made upon the accomplishment of which you wished to come home, and it was upon the supposition that the ratifications would be exchanged in March or very early in April, that the President tendered the appointment to Gen Green, tho his Commission in fact was never made out. This it is hoped will sufficiently account for the appointment of Gen. Green almost simultaneously with you.

Though nominally in a state of War the country is in fact at present at profound peace. The Indians who have been our most troublesome enemies heretofore have been uniformly so terribly beaten and at such immense odds too, that they are beginning to despair and are gradually falling back, and the settlements as rapidly advancing upon them. They [are] becoming weary of a Conflict from which they reap nothing but disaster and death. This State of things enables our planters to give all of their time or nearly so, to the cultivation of the Soil. This year, it has amply repaid them. The increase in the cotton crops will be very great and the supply of bread stuffs will greatly over run the demand. This is an important fact to be known in Europe especially at this particular juncture of affairs. I have taken pains to inform myself, and you may rely upon my accuracy. A long drought might do injury still; but it could not, I think, be very serious.

I have the honor to be, with great respect.

Your most Obt Servt

SAML. A. ROBERTS  
Acting Secy of State

To General JAMES HAMILTON.

Memorandum of documents sent to Gen Hamilton accompanying above letter.<sup>a</sup>

Letter of Judge Webb to Mr. Pakenham dated June 1st 1841.
Ditto Mr. Pakenham's reply to Judge Webb " June 10th "
" Judge Webb to Mr. Pakenham " " 16th "
" Mr. Cañedo to Mr. Pakenham " Decemr 11th 1840.
" Mr. Comacho to Mr. Pakenham " June 8th 1841.
" Judge Webb to Secy of State of Texas " " 29th "

<sup>a</sup> For all, see Correspondence with Mexico. All the first five, except Cañedo to Pakenham, the proper date of which is December 11, 1839, are inclosed with the last.

CRAWFORD TO LAMAR.<sup>a</sup>

BRITISH CONSULATE  
New Orleans July 30th 1841.

SIR

The enclosed letter has just been forwarded to my care by Her Majesty's Consular Agent at Tampico, who having no other means of transmitting it, has sent it to me with a request that I would forward it to your Excellency.

I have the honor to be with great respect, Sir

Your Excellency's  
Most Obt. Servt.

JOHN CRAWFORD, *Consul.*

To Gen. LAMAR

*President of Texas.*

FOREIGN OFFICE,  
April 8th. 1841.

SIR,

I have been requested by Lord John Russell, Her Majesty's Principal Secretary of State for the Colonial Department, to convey to Your Excellency his thanks for the communication dated the 12th. of October last, which you were so good as to make to him on the subject of slavery in the Republick of Texas, with reference to the late conviction at Barbadoes of John Taylor for carrying Negroes from that Island into Texas, and I beg to assure Your Excellency that I feel great pleasure in executing, as I now do, this wish of the Secretary of State for the Colonial Department.

I have the honor to be

Your Excellency's  
most obedient  
humble Servant

PALMERSTON

COMMISSION OF ELLIOT AS CONSUL-GENERAL FROM GREAT BRITAIN  
TO TEXAS.<sup>b</sup>

[Charges Charles Elliot with the care of the interest of British subjects "trading in the Republick of Texas," empowers him to appoint vice consul or deputy consuls at Texan ports, and confers on him the usual "pre-eminentes, Prerogatives, Liberties, Immunities and Exemptions."]

<sup>a</sup> See Records of Department of State (Texas), Book 41, p. 504. The original inclosure referred to (L. S.) is on file.

<sup>b</sup> August 20, 1841.

HAMILTON TO ROBERTS.<sup>a</sup>

LONDON September 3rd 1841.

SIR:

I had the honor to receive your despatch of the 5th July, covering Judge Webb's correspondence and detailing the final result of his mission. This result does not surprise me, as I think it was [not] to be expected that Texas [should] move until the British Minister communicated whether the mediation was accepted.

I sincerely trust war will not be declared or any hostile demonstrations made until the meeting of Congress in November, by which time I think I will have placed the whole Loan under investment, and the Government be able to take a calm survey of the relations and positions of the country.

An extra session now would be regretted as nothing definitive can be done or decided on, until my negotiations are finally closed here. The Tories have come in in great strength, but they will be quite as friendly to Texas with greater strength to serve us.

If there should be an extra session of congress the Slave Trade Treaty had better not be brought up to the view of congress until I arrive.

With great respect and Esteem  
Your Obt Servt.

J. HAMILTON

SAML. A ROBERTS Esqr  
*Acting Secy of State*

RECEIPT OF MOORE TO POWER FOR POWDER.<sup>b</sup>

ACCOUNT OF POWER FOR POWDER.<sup>b</sup>

JONES TO HAMILTON.

(in Duplicate)

DEPARTMENT OF STATE  
Austin Jan. 26th. 1842

Gen JAMES HAMILTON

*Minister Plenipotentiary*  
etc. etc.

SIR,

The Laws authorizing a Loan to be negotiated for five Millions of Dollars having been repealed by the present Congress of Texas and

<sup>a</sup> See Records of Department of State (Texas), Book 41, p. 555.

<sup>b</sup> December 6, 1841. See Elliot to Smith, February 27, 1845.

your functions as Commissioner having in consequence transpired, and as you have signified your intention and desire from time to time to return home, His Excellency the President has directed me to inform you that he will at an early day appoint a successor to discharge the various diplomatic functions, in Europe, which were devolved upon you by his predecessor, and to request that you will, return to Texas at the earliest convenient opportunity. As diplomatic relations have not been established with any of the courts to which you were accredited it has not been deemed necessary to send you formal letters of recall for presentation on taking leave of them finally.

I have the honor to be  
with the highest respect  
Your Obt Svt

ANSON JONES

HAMILTON TO JONES.<sup>a</sup>

[Private.]

AUSTIN Feby 8h. 1842.

MY DEA[R] SIR—

The Treaty of Navigation and Commerce the ratification of which was signed last winter I left with Mr Samuel Amory solicitor London No 25 Throgmorton Street. He was the Solicitor of the Republic for such business as Mr. Burnley and myself may have had requiring a legal Adviser.

I enclose a note for Mr. Amory.<sup>b</sup> On my reaching Galveston I will give you a full Report of my Diplomatic Mission which I have not time now to compleat.

I remain with esteem  
Very resptly  
Your ob Svt

J HAMILTON

Hon

ANSON JONES

*Sey of State*

ORDER FOR DELIVERY OF TREATY.<sup>c</sup>

HAMILTON TO JONES.<sup>a</sup>

HOUSTON Feby 14h 1842.

DEAR SIR.—

I subjoin an order to Mr Amory to deliver the Treaty to your Bearer of Dispatches in case he should not previously in conformity with my Instructions have sent it to Lord Aberdeen.

<sup>a</sup> A. L. S.

<sup>b</sup> This was doubtless a private note. It has not been found.

<sup>c</sup> February 8, 1842. See Hamilton to Jones, February 14, 1842.

I am going this evening to Galveston but before my Departure will make you an accurate Report of your diplomatic relations abroad

I remain Dea[r] Sir

With sincere esteem

Very respey and truly

Yours

J. HAMILTON

Hon ANSON JONES,  
*Secy of State*

AUSTIN TEXAS Feby 8h. 1842

To SAML AMORY Esqr

No 25 Throgmorton St.

London.—Be so kind as to deliver to the order of the Hon. Anson Jones the Treaty I left with you which I concluded with Lord Palmerston for the Republic of Texas

J. HAMILTON

HAMILTON TO JONES.<sup>a</sup>

GALVESTON Feby 18h. 1842.

SIR.

I beg leave to present to you the following Report of my diplomatic Mission to Europe under the appointment of the Government of Texas.

I held Commissions to treat with the Government of her Britannic Majesty, the King of the Netherlands and the King of the Belgians. Also a Commission as special Envoy to treat with the Government of the King of the French for a supplementary Commercial Convention for the concessions of additional Commercial advantages as an equivalent for its guarantee of the Loan which I was authorized to negotiate in Europe for a/c of the Republick.

I repaired to the Hague in June 1840 and in the following Sept. concluded a Treaty with the Baron Verstolk de Solen<sup>b</sup> between his Majesty the King of the Netherlands which being ratified in the Jany following by the President and Senate of Texas I exchanged the ratifications in June 1841. The copy of [the] Treaty thus ratified and exchanged was transmitted with my Baggage to Charleston from London and will be transmitted on my return to Charleston to Austin by the first opportunity.

After signing this Treaty with the Govt of the King of the Netherlands, I repaired to Brussels presented my full powers and opened a Negotiation in Oct 1840 with M Lebeau the Minister of Foreign Affairs. We concluded on the basis of a Commercial Treaty, but in

<sup>a</sup> A. L. S.

<sup>b</sup> Verstolk van Soelen.

consequence of this Minister insisting on discriminations in favor of Fire Arms and Linens on the ground of the voluntary Concessions made to French Commerce, I broke off the negotiations as the Belgian Minister offered no equivalent for the advantages he desired.

I repaired to London and in the following Nov after a laborious and anxious negotiation signed 3 Conventions with Lord Palmerston her Britannic Majestys Principal Secy of State for Foreign Affairs.—

1st. A Treaty of Recognition Amity and Commerce

2dly. A Convention providing for the mediation of G Britain for the procurement of a Pacification with Mexico.

3dly. A Convention for the suppression of the African Slave Trade

The first of these Treaties I left with Saml Amory Esqr. Solicitor No. 25 Throgmorton St. London after it was ratified by the President and Senate of Texas. I have requested him to forward it to the Foreign Office to Lord Aberdeen forthwith. That it may be ready for the exchange of ratification. For fear of the miscarriage of my Letter to Mr Amory I subjoin an order for the delivery of the Treaty.<sup>a</sup>

The second Convention having expired by its own limitation it has gone with my Bagage to Charleston and shall be returned by the first opportunity to the Archives of State

The 3d Convention duly ratified is in your own possession.

The principal reason why I requested that this last convention should not be acted upon by the Senate until my return was that it involved the delicate question of the right of Search. I desired to be present to afford such explanations of the probable operation of the Treaty as might be required.

In the Autumn of 1841, I repaired again to Brussels and opened my Negotiations with the Govt. of his Majestys the King of the Belgians—but on an entire new basis. I proposed that for a discrimination in favor of the products of Belgium imported into Texas by Belgian and Texian Vessels that Govt. should guarantee a Loan for Texas of 37 Millions of Francs or 7 Millions of Dollars with certain securities on your public Domain, for which I submitted the *project of a Legislative Compact* to Congress. In frequent conversations with the King I am satisfied if this measure had been adopted, by the Congress of Texas and that hereafter on a question of disputed Boundary between Texas and Mexico on a proposed pacification between the two Countries that the Govt of Belgium would have given to Texas 3½ Millions of Dollars for her portion of such disputed Territory for a Colony which might have served as a mutually pacific Barrier between the two Countries and in this event

<sup>a</sup>This order had already been sent to Jones. See Hamilton's letter of February 14.

Belgium would " all the Commercial privileges she might have derived under the Compact.

His Belgian Majesty sent a highly intelligent Commissioner to examine the Country who embarked with me from New Orleans for Texas and is now making an examination into the state of the resources of the Company.<sup>b</sup> But the decision of Congress to negotiate no foreign Loan makes the proposed *projet* with the Belgian Govt a dead Letter.

From The New Ministry of her B. M. I received the most cordial assurances of the friendly dispositions and good will of her Majestys Govt. I have the honor to remain

very respectfully Your obt Svt

J. HAMILTON

The Hon ANSON JONES

*Secy of State*

JONES TO PALMERSTON.<sup>c</sup>

[Letter of credence for Ashbel Smith as chargé d'affaires of Texas to Great Britain.]

HAMILTON TO JONES.<sup>d</sup>

NEW ORLEANS March 4<sup>th</sup> 1842

SIR

I find among my papers most carefully put away the Treaty for the Mediation of England. I likewise have ascertained that the British Govt have *not communicated it to the Govt of Mexico and are waiting its ratification. The six Months therefore have not expired.* As the Treaty is highly honorable to Texas I would recommend its being sent with the other Treaty to Lord Aberdeen and the ratifications exchanged whether a pacification results or not.

I will write Genl Houston tomorrow.

With esteem Dear Sr

Yours respectfully

J HAMILTON

The Hon

ANSON JONES.

P S. I will write Genl Houston on the subject tomorrow from Mobile.

<sup>a</sup> One word indecipherable.

<sup>b</sup> Captain Victor Pirson. See Jones to Pirson, March 4, 1842, in Correspondence with Belgium.

<sup>c</sup> March 2, 1842.

<sup>d</sup> A. L. S.

JONES TO SMITH.

DEPARTMENT OF STATE

*Galveston March 9th 1842*

To the Hon.

ASHBEL SMITH

*Chargé d'Affaires of the Republic of Texas,<sup>a</sup>*

*etc. etc.*

SIR,

You will receive herewith your Commission <sup>b</sup> as Minister Chargé d'Affaires of this Republic to the Government of Her Majesty the Queen of Great Britain, together with a letter of credence to be presented to Her Majesty's principal Secretary of State for foreign Affairs and a copy of the same for yourself.

It is the wish of the President that you should proceed with as little delay as possible to London, and execute the duties assigned you there previous to going to Paris, where your services will be required as soon thereafter as may be consistent with the proper execution of your duties at London and as circumstances will permit.

So soon as you arrive at London you will immediately proceed after the presentation of your Letter of Credence, and reception by the Government of Her Majesty to the exchange of the Ratifications of the three Treaties concluded between Texas and Great Britain viz. "The Treaty of Amity Commerce and Navigation," "The Convention for the Mediation of Great Britain with Mexico," and "The Treaty for the Mutual Suppression of the African Slave Trade." The ratifications of the two last mentioned Treaties you will receive herewith, and those of the first you will receive from the hands of Mr.

<sup>c</sup> Amory Solicitor No. 25 Throgmorton Street London, an order for which from Gen Hamilton endorsed by me is herewith enclosed.<sup>d</sup>

So soon as the ratifications shall have been exchanged, and you are properly received and acknowledged as the Diplomatic representative of this Government at the Court of St. James, you will in the first place ascertain as far as practicable the dispositions of her Majesty's Government in regard to some prompt and efficient action on its part in relation to her mediation between Texas and Mexico and at the same time urge a prompt determination on this subject. It is very desireable as you are well aware that this matter now so

<sup>a</sup> Ashbel Smith, a native of Connecticut, came to Texas in 1836; appointed surgeon-general of the Texan army by Houston; Texan chargé d'affaires to Great Britain and France, 1842-1844; Secretary of State under Jones; after annexation was assured, returned to Europe to close the relations of the Republic with the various courts.

<sup>b</sup> No copy of this document has been found.

<sup>c</sup> The blank left here was to be filled with Mr. Amory's Christian name—which was Samuel. See Hamilton to Jones, February 8, 1842.

<sup>d</sup> Dated February 8. See Hamilton to Jones, February 14, 1841.

long delayed should receive the earliest attention. The attainment of Peace between Texas and Mexico to the two parties directly and to England herself, in regard to her commercial interests is an object of paramount importance. Texas is already fatigued and worn out with the annoyance of a *Quasi War*. Many of her citizens are now suffering in wretched captivity, and in Mexican bondage and unless something effectual is soon done in the matter by Great Britain it may justly be feared that the sword must and will soon again be unsheathed and a warfare commenced the results of which cannot now be calculated. To avert these evils therefore, as well as to relieve our citizens from their captivity it is hoped that an *efficient* mediation may be accorded by G. Britain under the provisions of her Convention with Texas and that this Mediation if accorded may be prompt. Should it even prove unsuccessful and pacification with Mexico not be obtained, Texas will at least have the advantage of knowing what she may depend upon and will be prepared to adopt a policy in accordance with circumstances.

The recognition of this country by Spain and the formation of a commercial treaty with that country, in consequence of her important colonial possessions in the West India Islands is deemed a matter of much interest to Texas. In the present State of European politics it is known that G. Britain exercises a strong control over the councils of that country and Espartero the Chief of the Government You will therefore endeavor to enlist the good offices of Lord Aberdeen in the accomplishment of this object, or at least in ascertaining the views of the Court of Madrid in relation to it. For this purpose you will cooperate with Mr. Kennedy Consul General at London<sup>a</sup> and Mr. Castro Consul General at Paris, who have each tendered their good offices to this government in the matter and who will be enabled from time to time, probably, to give you useful information in relation to it.

The Colonization Contracts which have been entered into for introducing emigrants from France and England, and others which are now in progress for introducing immigrants from Germany and Belgium are deemed objects of much utility. Texas has a surplus of land and wants laborers and Capital. Europe generally has a redundancy of population and more capital than can now be employed satisfactorily and to a good profit. The purpose therefore, of these contracts is to bring population and Money to Texas; from the Storehouses of Europe; you will therefore render every proper aid in your power to the promotion of the success of these enterprizes, by rendering correct information on the subject, and by assuring those who may wish to engage [in them] of the favorable

<sup>a</sup> William Kenedy. Later in the year he became British consul at Galveston.

dispositions of the government and people of Texas towards Colonization etc. etc.

You will receive herewith the Commissions of Wm. Kennedy as Consul General of this Republic for Great Britain and Charles Saunders, as Consul, for the Port of Liverpool, England. You will apply for the usual Exequaturs upon these and when obtained transmit them together with their commissions to these Gentlemen respectively.

It is expected you will keep this Department constantly advised of all your proceedings and, communicate any information of importance, which you may obtain, with promptitude and minuteness.

The President relies upon your zeal in behalf of Texas, and as you are well acquainted with every thing connected with her interests, he reposes full confidence in your intelligence and prudence, so to conduct the important missions with which you are charged in Europe as to be instrumental in the effectual promotion of the welfare and honor of our country.

As so many opportunities have been afforded you very recently of knowing correctly the views and wishes of the President and of this Dept. in reference to the foreign as well as domestic policy of the country further detailed instructions for your governance are deemed unnecessary at the present time

I have the honor to be  
with the highest respect  
Your Obt. Svt.

Signed                   ANSON JONES

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IKIN TO JONES.<sup>a</sup>

LONDON, March 15th. 1842.

SIR

Since I had last the honor of addressing your Department, Genl Hamilton having left this country for Texas, it devolves upon me to present you with such general information connected with the two countries, as may appear of any interest

Some weeks ago in reply to a question from Mr O'Connell in Parliament, Sir R Peel gave an explanation respecting the imperfect character of the relations established with the Republic owing to the Treaty relative to the Right of Search, not having been yet returned.

The delay that has occurred is to be regretted so far as it operates with the public at large in creating the greatest distrust towards the country, and suspicion as to the real intention of the British Govern-

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<sup>a</sup> See Records of Department of State (Texas), Book 42, pp. 69-70. Ikin was Texan consul at London.

ment. Had it not been for this, I believe that considerable bodies of the more wealthy and respectable class of British emigrants would have been already in Texas, instead of the miserable paupers whose arrival is only an additional burden to the country, and the accounts of whose distress is the cause of so much misrepresentation as to the unsuitableness of Texas as a country for emigration.

Added to this—the English papers have been filled for some time past by advertisements of the Mexican Government warning people from obtaining land under the “usurping Texian authorities”, as such would not be recognised by those of Mexico; which absurd notice has had considerable influence, though I have endeavored to counteract it, by every means short of an official counter-notice, which I could not make while the Treaties remain unratified.

A book has also lately issued from the press under the auspices of the Mexican and Colonial interests attacking Texas and the Texans in a manner the most false and virulent.\*

Notwithstanding all this attack, the country is becoming better known and appreciated among commercial men—and as regards the emigrating classes—when the rumours respecting Mexican invasion and British recognition shall have been put to rest, there will be a gradually increasing and eventually an immense emigration. And this indeed our *Colonial* interests already foresee, which is the main cause of the efforts now making to villify the country.

Were any suitable part of upper Texas, protected by the establishment of a Fort and a few troops, duly surveyed and sectionized, and then offered to the English and European emigrant at a price not exceeding 5s/ to 7s/ sterling per acre, I do not hesitate to say, (on the strength of overtures and representations already made to me) that a considerable and rapidly increasing addition of revenue might be realised to the Government, with little more expense here, than that of Commission to Agents, and some advertising.

Within the last week, the subject of annexation, mooted in your Congress, has been noticed and discussed by some of our leading Journals, who think it by no means improbable that the United States would now incline to it. It is of course viewed as giving her the command of the Gulf and of so strengthening Southern interests that the north might be tempted to seek a counterbalance in Canada; consequently Lord Aberdeen's attention is urgently called to the question.

There are, it appears, several British subjects among the prisoners of the unfortunate Santa Fé expedition. Some of them were unconnected with the military, and I have advised their friends to endeavor to procure Lord Aberdeen's interference in Mexico, after the

\* This doubtless refers to Maillard's *History of the Republic of Texas*. Cf. Smith to Jones, May 17, 1842.

example of the United States, as the only means likely to obtain for them common humanity.

A change of Tariff is contemplated by the present Government of this country, which if effected will I think enable the Live Oak of Texas to be advantageously imported. The proposal is to reduce the duties on Foreign timber from 30/. to 10/. It will meet with much opposition from the colonial interests.

I am greatly at a loss to answer enquiries etc. etc. as to the laws of Texas, owing to my never having received those of the congress of 1840-41. May I be allowed to hope that you will direct that I shall be furnished with a copy, including those of the recent Congress. I should presume they might be most readily forwarded *as freight*, in a vessel from either N. Orleans, or Galveston

With great respect I have the honor to be sir

Yr. Mo. Obt. hble. Servt

ARTHUR LKIN

The Hon.

ANSON JONES

*Secretary of State Austin*

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JONES TO [SMITH].

(Copy.)

DEPARTMENT OF STATE

Houston, April 4th. 1842

SIR,

Mr. Gassiot of this city has just called to inform me that his friend Mr. Russell is about to leave for England and that he would be the Bearer of any communication for you. I avail myself of the occasion, though in much haste to write you a few words.

The event which I anticipated in the instructions I had the honor to address you on your departure has arisen, and war with Mexico is now pressing upon us. It has been met on the part of the Government and people of Texas with a firm, cheerful and unanimous determination to meet the issue, to cross the Rio Grande, and never to lay aside the arms which we are now compelled to assume until Mexico shall have been forced to accord us an acknowledgment of our independence.

I have received from various quarters assurances of the most positive character that England has been instrumental in inducing the move which Santa Anna is now making, but have not as yet been informed of any positive *facts* which would justify such a suspicion, nor am I willing to believe that She could be induced from any motives of policy (and I do not know of any which now

exist) to act with the dissimulation and bad faith towards Texas which such a course would necessarily imply. You will however have an opportunity soon of ascertaining the truth or falsehood of this imputation, and I have to request your earliest, and most assiduous attention to the matter.

The President has for greater safety ordered the Archives and the Officers of the Government to this place where the Seat of Government is now temporarily established and where you will direct all your dispatches.

I send you herewith a copy of the Laws of the last Session and have the honor to be with the highest respect Your Obt Svt

Signed ANSON JONES

P. S. Your dispatches (Nos. 1 and 2) of the 15 and 16 March were duly recd. A. J.<sup>a</sup>

FISHER TO JONES.<sup>b</sup>

TEXAS SLOOP OF WAR AUSTIN  
off Campeche 25th. April 1842

Hon

A JONES

DR. SIR

Previous to my departure from Houston in Septr. last, Mr F Grassiot called on me to translate certain Documents from Spanish into English, relative to the claim of Mess F. de Lizardi & Co of London upon the Governt. of Texas, for spoliations committed upon the Cargo of the Br. Sch. the Little Penn, wrecked at the Alacranes, near the Coast of Yucatan, in 1839, by the armed vessels of Texas the Brutus and Invincible. I have read all the documents now in the Department under your charge before they were submitted to the Executive in Texas, last year, and by them, I am in possession of the knowledge relative to the claim of Mess de Lizardi, who have charged the Government of Texas with the whole amount of the Cargo of the Little Penn, except the part which was saved by the wreckers, after deducting Salvage, which claim amounts to somewhat \$15 @ 16000.

Since I am in this Country, I have made a voyage to the Island of Cozumel for which purpose I had occasion to charter a Bungo, and in course of conversation on our voyage the Captn. (owner) of the Bungo remarked, that he with several other Bungos (Canoas) went

<sup>a</sup> In the copy on file this postscript is written above the signature. For the dispatches, see Correspondence with France.

<sup>b</sup> See Records of Department of State (Texas), Book 42, pp. 87-88. This letter, while of a private nature, has been recorded with the Diplomatic Correspondence and seems, from its contents, to deserve a place in the series.

from Sisal to the Alacranes after the wreck of the Br. Sch. and have taken away sundry goods belonging to her cargo, and after entering them at Sisal Custom house they were sold and the proceeds distributed, (after paying the impost duties) among the Captors, or Salvors. That the amt of goods thus sold was upwards of \$3000.

Among the papers I saw attached to the claim of the Mess de Lizardi, I have seen no a/c sales of goods at Sisal or entered at that Port, only in Campeche by John L McGregor (if my memory serves me) as the Cargoes of the Mexican Schooners "Abispa" and "Telegrafo" which were chartered as wreckers from Campeche to go to the Alacranes to save all they could. It appears that the goods saved by those two Droghers were sold in Campeche at Auction, and after paying the expenses (including duty and salvage) the net proceeds of those a/c sales were credited to the general Invoice of the goods composing the Cargo of the Little Penn, when she left Liverpool and the whole Balance, or deficit of the amount of the said Invoice is charged to the Government of Texas as having been plundered by the Brutus and the Invincible, but [the accounts] never mention anything of what the then Mexicans, and the now Yucatecos have plundered among whom Jose Maria Lara, the proprietor and Captain of the Canoa "Joaquina" was and which circumstance he stated to me as already above mentioned

Upon the receipt of this news, and being cognizant of the particulars of the claims of Mess de Lizardi, as set forth in the documentary evidence above referred to, and which from the Communication from your predecessor is now in the State Department, and laid before the Congress at the last Session, as I have discovered in the Report of the Secy of State published in the "Weekly Texian" of Decr 8th. 1841, which came to my hand since I am on board of this ship, I am induced to state to you particulars, as I am of opinion that by proper investigation at the Custom houses of Sisal and Campeche, some data may be had, by which several thousand dollars may be saved to Texas, by proof being had that these spoliations have not been made by our armed vessels, but by the Mexican fishermen and Coasting traders, who by nature and practice are "*Pirates*". I should not have meddled into this business, inasmuch as the documents went through my hands, "*officially*" as Translator, had not I considered that my duty as a Citizen of Texas, made it incumbent upon me to make the disclosure, whereby perhaps a large amount may be saved to my Country. And in this opinion I was fully borne out by Com. Moore to whom I have made known the circumstances and to whom it appeared to be very proper that I should communicate to you these facts, that the interest of Texas may be properly guarded against unfounded claims.

I am very truly yours

GEO FISHER

SMITH TO EVERETT.<sup>a</sup>

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EVERETT TO SMITH.<sup>a</sup>

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SMITH TO McINTOSH.<sup>a</sup>

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EVERETT TO SMITH.<sup>b</sup>

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EVERETT TO SMITH.<sup>b</sup>

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SMITH TO BARBEY.<sup>b</sup>

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SMITH TO AMORY.<sup>b</sup>

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AMORY TO TEULON.<sup>b</sup>

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SMITH TO EVERETT.<sup>b</sup>

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EVERETT TO SMITH.<sup>c</sup>

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SMITH TO EVERETT.<sup>d</sup>

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SMITH TO JONES.<sup>e</sup>

[No. 4']

TEXIAN LEGATION, LONDON,  
103, JERMYN STREET,  
*May 17th. 1842.*

To the

Hon. ANSON JONES,  
*Secretary of State.*

SIR,

I arrived in London on the night of the 10th. inst., and had an interview yesterday, Monday, the 16th., with Lord Aberdeen, her Majesty's Secretary of State for Foreign Affairs. Urgent business

<sup>a</sup> May 12, 1842. See Smith to Jones, July 11, 1842.

<sup>b</sup> May 13, 1842. See Smith to Jones, July 11, 1842.

<sup>c</sup> May 15, 1842. See Smith to Jones, July 11, 1842.

<sup>d</sup> May 16, 1842. See Smith to Jones, July 11, 1842.

<sup>e</sup> L. S.

<sup>f</sup> No. 3 has not been found.

required Lord Aberdeen to postpone seeing me for two or three days, and no indisposition to enter at once on the consideration of the relations of the two Governments. I was introduced by Mr. Everett, the Minister of the United States to this Court, who soon left me alone with his Lordship.

I presented the letter from your Department to Lord Aberdeen, and informed him that I was prepared to exchange the ratifications of the Treaties concluded between the Ministers of the two Governments. He replied that I should soon hear from him. He made numerous inquiries about Texas and our relations with Mexico. Touching the mediation of her Majesty's Government he expressed the greatest readiness to interpose its good offices; but expressed a decided opinion that at this time they would prove ineffectual. 'A voluminous correspondence had been carried on by Mr. Packenham, the British Minister at Mexico'—and I understood his Lordship clearly to say that General Santa Anna had wholly declined the proffered mediation. I mentioned to Lord Aberdeen the condition of the Santa Fé prisoners, some of whom were by birth citizens of the United States and others subjects of her Majesty. He replied that the English Government would very willingly make a representation on their behalf in the interest of humanity; and said that the United States should do so. I replied, I believed that Government had taken some such step, but of the precise nature of which I was not informed.

Lord Aberdeen spoke of Gen. James Hamilton's letter to Gen. Santa Anna—said he had been very imprudent, and that his transmitting such a letter through Mr. Packenham was quite improper. I informed his Lordship that the Government of Texas had publicly disclaimed having authorized Gen. Hamilton's letter or any letter of such a tenor.<sup>a</sup> On leaving Lord Aberdeen he renewed to me the assurance that I should *very shortly* hear from him on the subject of the exchange of the ratifications. No promise was made by his Lordship concerning the exchange—but as no objections were started, I do not at this time anticipate any serious obstacle to its prompt accomplishment.

On my arrival here I despatched, by Mr. Teulon, Gen. Hamilton's order, transmitted to me from your Department, for the Commercial etc. Treaty to Mr. Amory, with whom it had been deposited. Mr. Amory in his note of the 13th. May, replies "that on the 23d. ult. in pursuance of a request contained in a letter from Gen. Hamilton, from New Orleans, of the 3d. March, I sent the said Treaty with a letter to the Earl of Aberdeen, Secretary of State for foreign

<sup>a</sup> The letter referred to is Hamilton to Santa Anna, January 13, 1842. See Calendar of Correspondence with Mexico.

Affairs." I mentioned this subject to Lord Aberdeen and inquired whether any objection would be made to my having the treaty—he answered, he presumed none. I moreover told him that I did not comprehend Gen. Hamilton's reason for making this disposition of the treaty, when he had given an order for it to the Secretary of State, and was aware of a Representative of our Government being on his way to this Court.

The opinion has been confidently expressed in several of the United States papers that the English Government has been sustaining the Mexicans. Mentioning the subject to Mr. Everett, he told me that he had heard the same statement through a private letter from New-York, which led him to make an inquiry of Lord Aberdeen a few days since. Lord A. assured him that it was wholly destitute of foundation.

There is however one important fact to which I wish to direct your very careful and prompt attention. Two Steamers of War are building here for the Mexicans—one at Liverpool, the other in the Thames near London. It is expected they will be completed in a month or two from this date. So soon as the ratification shall be exchanged, I shall present a remonstrance to her Majesty's Government. Should this prove ineffectual to arrest the completion and despatch of these vessels to be used against our country, will it not be an act of imperative prudence on our part to maintain an efficient blockade of the Mexican Ports? You will of course duly weigh all points of international law—but I trust it will not be deemed obtrusive in me to suggest that they should not under any circumstances be permitted to arrive within the protection of San Juan de Ulloa, thereafter to be employed against Texas.

I have said that I do not at this time anticipate any serious obstacle to the exchange of the ratifications. It is however proper to state that there are numerous and active enemies of Texas here, consisting chiefly of the Anti-Slavery party and of persons interested in colonizing portions of the British territories abroad, with whose schemes emigration to Texas would conflict. In the interest of the persons hostile to our country a book styled a History of Texas has been published, characterized by a most extraordinary disregard of decency and of truth. J Doran Maillard is the avowed author. He addressed a letter to Lord Aberdeen of the date of Sept. 24th, 1841, in the nature of a caution and remonstrance against the acknowledgment of our independence, etc., by her Majesty's Government. I do not perceive however, that Maillard's letter produced the slightest effect in this quarter. Generally speaking every thing connected with Texas is here regarded with much distrust. It shall be my strenuous endeavour to disabuse public opinion, so far as it can be done with due regard to the strictest propriety.

So soon as the ratifications of the treaties shall be exchanged, I shall notify her Majesty's Government of the blockade of the Mexican ports, and present the other subjects appertaining to my mission near this court.

The Great Western Steamer will sail on the 21st. inst from Liverpool by which I shall forward despatches to your Department.

I have the honor to be  
very respectfully  
Your servant

ASHBEL SMITH  
*Chargé d'Affaires  
in Great Britain*

McINTOSH TO SMITH.<sup>a</sup>

SMITH TO ABERDEEN.<sup>b</sup>

CASTRO TO SMITH.<sup>c</sup>

SMITH TO COMTE DE STE. AULAIRE.<sup>d</sup>

COMTE DE STE. AULAIRE TO SMITH.<sup>e</sup>

SMITH TO ABERDEEN.<sup>e</sup>

ABERDEEN TO SMITH.<sup>f</sup>

ABERDEEN TO SECRETARY OF STATE OF TEXAS [JONES].<sup>g</sup>

[Announces the appointment of Charles Elliot, Esq., as consul-general for Texas.]

<sup>a</sup> May 18, 1842. See Smith to Jones, July 11, 1842.

<sup>b</sup> May 21, 1842. See Smith to Jones, July 11, 1842.

<sup>c</sup> May 23, 1842. See Smith to Jones, July 11, 1842.

<sup>d</sup> May 27 (?), 1842. See Smith to Jones, July 11, 1842.

<sup>e</sup> May 27, 1842. See Smith to Jones, July 11, 1842.

<sup>f</sup> May 30, 1842. See Smith to Jones, July 11, 1842.

<sup>g</sup> A. L. S. May 31, 1842.

SMITH TO JONES.<sup>a</sup>

No. 5.

LEGATION OF TEXAS, LONDON,  
103 JERMYN ST.

June 3. 1842

Hon ANSON JONES

*Secretary of State.*

SIR,

I have the honor to acknowledge the receipt on the 26th ult of a communication from your Department of the date of April the 4th.

In my last dispatches, No. 4. dated May 17th, I gave an account of my interview with the Earl of Aberdeen on the previous day, May 16. He then assured me I should hear from him *shortly*. Having received no communication from Lord Aberdeen in the mean time, on the 21st May, I addressed him a note inviting his attention to the relations existing between Texas and Great Britain. And again on the 27th May, being still without intelligence from Lord Aberdeen, I apprised him that according to my impression the period for exchanging the ratifications would very shortly expire. Copies of my notes to Lord Aberdeen are hereto subjoined.<sup>b</sup> He appointed the 31st May for an interview.

On opening the conference with Lord Aberdeen, he read me the protocol signed by himself and Gen. James Hamilton, extending the period from the 1st June, for the exchange of ratifications, and appointing specially the 1st August for this purpose. Having been informed by your Department that this period would expire on June 1,—I was forced to conclude that you had not been duly notified of the extension of the time to August 1. From the language of the protocol fixing Aug 1. for the exchange of ratifications, Lord Aberdeen entertained some doubt, whether it can be properly made at an earlier date. He informed me that any subjects might be presented at once to the notice of her Majestys government, and that they would receive immediate and appropriate consideration.

I then notified Lord Aberdeen that the Ports of Mexico were held in efficient blockade by Texas and mentioned the strength of the blockading force. Lord Aberdeen assured me that the legality of an efficient blockade of the Mexican ports by Texas will be recognized by the British Government. He expressed his regret at the blockade as being likely to interfere with English commerce, and as liable to produce misunderstanding however carefully conducted. He complained that the notice for Europe is too short. He said

<sup>a</sup> A. L. S.

<sup>b</sup> If the copies were inclosed they have disappeared from the files; but see the series of copies inclosed with Smith to Jones, July 11, 1842.

notice of the Blockade would be given in the Gazette. In the Times, newspaper, the following morning, the Proclamation of his Excellency President Houston declaring the Blockade, was published officially.

I called Lord Aberdeen's attention to the fact that two War steamers are building for Mexico in her Majesty's ports, to be employed against Texas; and apprised him that I should present a protest against their being manned and equipped for war here. He waived admitting the correctness of this fact, and said he did not know whether any vessels were building for the Mexicans or not:—but *supposing* such to be the case, he intimated his answer might be that Texas was free to do the same—and that both Mexico and Texas would perhaps be permitted to purchase or procure to be built vessels or any thing else in her Majesty's dominions. Such I am quite confident will be the decision of this Government on this subject. Nothing will be done to restrict English Commerce or Ship building, further than international law shall imperatively require.

The Earl of Aberdeen renewed the statement made at our former interview, that Santa Anna rejects utterly the mediation of England between Texas and Mexico, which was earnestly pressed by Mr Packenham. From his Lordship's remarks I am justified in concluding that her Majesty's Government is not disposed at this time, to press the offer of mediation on Mexico, if indeed to renew it at all.

Lord Aberdeen inquired the probability of Texas becoming annexed to the United States, observing there would be no use in concluding Treaties if Texas were soon to be merged in another country. I replied, I thought not; and that the establishment of diplomatic relations with other states will increase the obstacles to annexation.

On my leaving Lord Aberdeen, he said he would consider the protocol; and if not quite contrary to practice, he would exchange the ratifications immediately. Otherwise I shall be obliged to return from Paris on the 1st August to make the exchange. He will inform me of his decision on this point in a very few days.

Capt Charles Elliott, her Majesty's Consul General for Texas, left on the 1st inst by the West India Steamer for his post at the City of Houston, *via* the Havanna and New Orleans.

The motives of the dilatory and cautious policy of the British Cabinet in the affairs of Texas are natural and obvious. There exists at this time a very good understanding between England and Mexico, which is quite favorable to the interests of British commerce and manufactures. And this Cabinet will take no step which might interrupt this good understanding. Perhaps a still more important reason for deferring the establishment of diplomatic relations with

Texas was to be found in the pending relations between England and the United States. Should the subjects of difference between these two countries lead to a war, Mexico will be dragged into the contest on the side of England and it is deemed important to do nothing which might alienate the predilections of Mexico from Great Britain. But, on the other hand, England desires the separate existence of Texas as a barrier to the United States on their S. Western frontier, and appreciates the importance of Texas as a market and rival producer of cotton etc. to the United States. The Treaty for the suppression of the African Slave trade is view'd very favorably by the English Cabinet especially as France refuses to ratify the Quintuple Treaty.

The cause of Texas is not regarded with favor at this time in England. I have been several times assured that the public sympathy is with Mexico. I have mentioned in a former dispatch the Anti-slavery party and persons interested in colonizing portions of the British territories abroad, with whose speculations, emigration to Texas would conflict. And Mr Joseph Hume M. P. a friend of Texas averred to me that a hostile feeling towards France which had recognized Texas, was among the chief reasons with Lord Palmerston, for concluding the Treaties with us on the part of England.

Other subjects will be embraced in a dispatch which will accompany the present communication. I have the honor to be with the highest respect

Your obedt. servant

ASHBEL SMITH.

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SMITH TO JONES.<sup>a</sup>

No 6.

LEGATION OF TEXAS, LONDON,  
103 JERMYN STREET,  
June 3d. 1842.

Hon ANSON JONES,

*Secretary of State.*

SIR, I wish to direct the particular attention of our Government to the fact that two Steamers of war are building against Texas. I therefore make it the subject of a separate communication.

One of these Steamers called the Montezuma is lying in one of the India Docks near London. Strangers are not permitted to visit her. I however examined her pretty closely and carefully on the 29th. May. She measures upwards of one thousand tons burthen, draws about 10 feet of water, is very stout and admirably constructed as a vessel of war. I think we have no vessel in our navy,

which singlehanded could cope with the Montezuma if well officered and appointed. Her boilers are now in, her two masts stepped; and at the rate they are now proceeding she can be got ready for sea in a month or six weeks. According to information furnished me, she is to be manned and officered by Englishmen; and recruits are now being obtained though in a quiet manner.

The other vessel of war building for Mexico is an iron steamer, the Guadalupe. She is lying near Liverpool, is a large and excellent vessel, and in about the same state of forwardness as the Montezuma.

These vessels are contracted for by the Lizardis.

Mr. Murphy, the Mexican Chargé d'Affaires, I am informed, is authorizing the raising of recruits for the Montezuma.

Permit me to urge most earnestly that these Steamers should not be permitted to get under the protection of the guns of San Juan de Ulloa. As mentioned in my communication No. 5. Lord Aberdeen said that this Government will respect the blockade if efficient; but I am quite sure that no obstacle will be presented by this Government to the sailing of these vessels.

The official promulgation of the blockade has excited a lively sensation here, and been productive thus far of the happiest effect. It is *very important* it should be maintained in *full force* and *vigor*. It enforces the attention of other powers to the relations of Texas and Mexico. And Santa Anna will not be suffered by his impotent threats of molestation to interfere so seriously with the commerce of other nations.

The Mexican and South American Association have presented to-day a memorial to Lord Aberdeen against recognizing the legality of the blockade. Mexican Bonds have declined on 'Change.

A copy of the Proclamation of blockade has been forwarded by me to Mr. McIntosh at Paris.

My very careful attention has been and continues to be directed to learn whether Mexico in her movements against Texas receives any pecuniary aid or countenance from the English capitalists or the English Government. It is generally believed here that Mexico has not negotiated any recent loan in England but that Santa Anna has obtained funds from the Mexican Clergy. Nor is it supposed that the English Government has any knowledge officially on these subjects, or connection with them. My own suspicions are not wholly put to rest concerning the pecuniary aid Mexico is said to be receiving in England. I shall not neglect this subject.

I have the honor to be with the highest respect,

Your obedient servant

ASHBEL SMITH

RUSSELL TO SMITH.<sup>a</sup>

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CASTRO TO SMITH.<sup>b</sup>

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SMITH TO REILLY.<sup>c</sup>

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SMITH TO McINTOSH.<sup>d</sup>

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JONES TO SMITH.<sup>e</sup>

CITY OF HOUSTON June 7th 1842

Hon ASHBEL SMITH

*Charge d'Affaires of Texas*

*etc. etc.*

SIR,

I embrace an opportunity by Mr. A. Bourgeois who is now on his return to France to forward you this; also twenty Copies of the Laws of the last Session of Congress for distribution among the different functionaries of Texas in Europe.

Mr. Lewis J. Herckenrath has been appointed Consul for the Port of Amsterdam Kingdom of the Netherlands You will please therefore to furnish him with a complete Sett of the Laws, and also with a copy of the Consular instructions for his governance, by the first convenient opportunity which you may have.

Mr. Saligny Charge d' Affaires of his Majesty the King of the French has returned to his Post near this government and resumed his official intercourse with it. The friendly relations between the two governments being thus happily reestablished it is hoped they may hereafter be continued uninterrupted

A special Session of Congress has been ordered to convene at this place, on the 27th June Inst. A call has been made upon the militia of the country for about four thousand men, to rendezvous at a point and time to be hereafter designated and it is the intention of the President to prosecute the war in which we are now engaged with Mexico with all the means at his disposal, untill the final recognition of our Independence is obtained.

Contracts have been concluded with Mr. A. Bourgeois the Bearer of this and Mr Ducos, for the colonizing of two grants of Land with

<sup>a</sup> June 4, 1842. See Smith to Jones, July 11, 1842.

<sup>b</sup> June 4, 1842 (extract). See Smith to Jones, July 11, 1842.

<sup>c</sup> June 6, 1842. See Smith to Jones, July 11, 1842.

<sup>d</sup> June 7, 1842. See Smith to Jones, July 11, 1842.

<sup>e</sup> Unsigned first draft of an autograph letter.

emigrants from France. One grant for twelve hundred families with the privilege of increasing the number to sixteen hundred, is situated upon the head waters of the Medina and Rio Frio immediately above the grants made to Messrs Kennedy and Castro, the other grant for five hundred families is situated at the mouth of the Rio Grande and exten[d]ing up the left bank of that stream to a point opposite the Mexican town of Reinosa. A contract has also been made with Messrs H. F Fisher and Burchard Miller for colonizing the valley of the San Saba with emigrants from Germany. As far as it may be in your power you will please give facilities to these Gentlemen in the performance of the object the Government has in view in these contracts viz: the introduction of a useful population into the country.

Since the appointment of Mr. Henri Castro as Consul General of Texas for the Kingdom of France,<sup>a</sup> information has been received by the President that this Gentleman is unworthy of the confidence reposed in him. You are therefore authorized, should the facts warrant the course, to remove Mr. Castro from the office he holds and to notify him of the same on behalf of this government. Should any attempt be made to make an undue or improper use of the contract of Colonization made by him and Mr. Jussaud with this Government or attempts made to deceive the people of France by misrepresentations in relation to this matter you will avail yourself of your station at the Court of St Cloud to counteract all such attempts by causing correct information to be given in relation to the same.

Your two dispatches from New Orleans are the last received from you at this Department, since which I have not heard of your progress except that you had sailed from New York about the 20th April. The President is very anxious to hear from you and to know what course England will adopt in relation to Texas and Mexico. I trust that you will keep this Department promptly and minutely advised in relation to your important and interesting negotiations, as well in London as at Paris. Should England be able to effect any thing under her Treaty of Mediation with Texas it is evident it must be speedily done or the matter will have to be decided by the arbitrament of the Sword.

A triple interposition by France England and the United States in the difficulties existing between Texas and Mexico would appear to be proper as it is consistent with the enlightened character of the present age as well as the interests of those countries severally. And it may with justice be assumed that it is the imperative duty of those Governments, having recognized our independence and thereby in-

<sup>a</sup>A native of France; came to the United States in 1827; Neapolitan consul at Providence, 1828-1830; returned to France, 1833; active in negotiations for loan for Texas in France; Texan agent to sell lands in France in 1841; Texan Consul-General at Paris, 1841; brought number of colonists to Texas, 1843-1846; died at Monterey, Mexico, on his way to France.

duced many of their citizens to emigrate here to protect their lives and property by interfering to prevent the continuance on the part of Mexico of a war of pillage and assassination upon our defenceless citizens, in violation of all civilized rules, and the established usages of Nations. This kind of warfare has now continued for upwards of six years, and no adequate attempt has been made on the part of Mexico to resubjugate this country. It is now time it should be made to cease, by some means or other.

You will therefore in your intercourse with the Governments of France and England suggest the propriety of this course to their respective Ministers of Foreign Affairs, and should such an arrangement be made it will most probably meet with the approbation of this Government.

The Archives of the Nation being still retained at Austin in opposition to the orders of the Executive, and the derangement of this department consequent upon a removal under such circumstances as well as the want of suitable offices for the transaction of public business, and the necessary absence of the Clerks, render it impossible to write you as frequently as would be desirable.<sup>a</sup> These reasons must also in part be an apology for the brevity of this communication.

I have the honor to be  
with the highest regard  
Your Most Obt Svt.

SMITH TO JONES.<sup>b</sup>

CASTRO TO SMITH.<sup>c</sup>

SMITH TO ABERDEEN.<sup>d</sup>

PROTEST AGAINST SAILING OF MEXICAN STEAMERS.<sup>e</sup>

RUSSELL TO SMITH.<sup>f</sup>

CASTRO TO SMITH.<sup>g</sup>

<sup>a</sup> See note b, p. 177.

<sup>b</sup> June 8, 1842. See Calendar.

<sup>c</sup> June 12, 1842. See Smith to Jones, July 11, 1842.

<sup>d</sup> June 14, 1842. See Smith to Jones, July 11, 1842.

<sup>e</sup> June 14, 1842. See Smith to Aberdeen, July 11, 1842.

<sup>f</sup> June 15, 1842. See Smith to Jones, July 11, 1842.

ABERDEEN TO SMITH.<sup>a</sup>SMITH TO JONES.<sup>b</sup>

No. 7.

LEGATION OF TEXAS, LONDON,

June 18. 1842

Hon ANSON JONES

*Secretary of State*

SIR,

I had the honor to make two communications to your Department—dispatches nos 5 and 6—both dated June 3d, and forwarded from Liverpool, June 4th by the Boston Steamer. Dispatch no 5 contained an account of my interview with the Earl of Aberdeen on the 30th May.<sup>c</sup> Dispatch no 6 related chiefly to the Steamers of War building in England for the Mexican Service.

On the 6th June, I received a letter from Liverpool in answer to some inquiries I had instituted concerning the Mexican Steamer "Guadalupe." The following extract appears to me deserving attention.

[Here follows a transcript of Russell to Smith, June 4, 1842, from the words "Your inquiry" to the end.<sup>d</sup>]

The letter of which this is an extract was written by Mr Russell—father of the bearer of Dispatches from your Dept. date April 6.—and he is I am informed a very respectable ship builder at Liverpool. On the 17th inst I received a letter from Mr M. P. Russell—(the son) of which the following extract is made.

[Next is transcribed Russell to Smith, June 15, 1842, from "I went" to "about her," omitting from "they have not" to "not nearly completed."<sup>e</sup>]

The information above was generally confirmed in a conversation with me on the 15th inst, by Mr Saunders of Liverpool, the gentleman who was appointed Consul of Texas for that Port. Mr Saunders said the Guadalupe will sail the latter part of this month—June.

On the 14th inst. having been informed that the Guadalupe would probably sail during the present week, I addressed a Protest to the Earl of Aberdeen, of which the following is a Copy.

[Next comes a transcript of Smith to Aberdeen, June 14, 1842, protesting against the sailing of the Guadalupe and Montezuma.<sup>f</sup>]

<sup>a</sup> June 17, 1842. See Smith to Jones, July 11, 1842.

<sup>b</sup> A. L. S.; indorsed "New York Consulate Recd and forwd. July 6/42 J. H. Brower." On the inside of the sheet used as an envelope is written "P. S. I changed the envelope for despatch No. 7, so as to enclose despatch No. 8."

<sup>c</sup> In dispatch No. 5, it is stated that May 31 was the day appointed for the interview.

<sup>d</sup> See copies of correspondence inclosed with Smith to Jones, July 11, 1842.

From the observations of Lord Aberdeen, in our interview of May 30th on the subject of these steamers—his observations will be found reported in my Despatch No 5.—I am not sanguine of any important result from the Protest. And the Govt. of Texas will hence probably deem it of the highest moment to strengthen our naval force on the Gulf of Mexico, particularly off Vera Cruz for the purpose of intercepting or capturing these Steamers. I have not yet been able to learn when they will cease to have a claim to the protection of the British Flag. They may be expected in the Gulf about the 1st August. Permit me to press this subject on the consideration of our Government.

Lord Aberdeen has appointed 4 o'clock this afternoon to receive me at the Foreign Office. There will not be time before the Departure of the mail to furnish your Dept. an account of the interview.

The inclosed slip being portion of a report of proceedings in the House of Commons on the 13th inst clearly indicates the determination of H. M.s Government to observe the Blockade if efficient and to exchange the ratifications;—and informal information from Lord Aberdeen justifies me in believing the exchange will not be long delayed.<sup>a</sup>

Mr Saunders has declined the Consulship at Liverpool, he being interested in the mercantile house of McCalmonts, Greves & Co in Mexico. The Consulship at Galveston for England has been offered to Mr Wm. Kennedy which will leave vacant the Consul-generalship of Texas in England. Mr Kennedy will appoint a Vice Consul for the present.

Permit me to ask to be furnished with early information from your department concerning the movements against Mexico. I have the honor to be with the highest respect

Yr obed Servt.

ASHEEL SMITH.

SMITH TO JONES.<sup>b</sup>

No 8.

LEGATION OF TEXAS.

LONDON

June 18. 1842

Hon ANSON JONES

*Secy of State.*

SIR,

In order that this dispatch may be in time for the Mail, I am obliged to write in the Foreign Office.

I have just left the Earl of Aberdeen who wished to make a representation to the Government of Texas in regard to the Royal Mail

<sup>a</sup> The clipping is from an English newspaper.

<sup>b</sup> A. L. S.; sent under same cover with No. 7, which bears the same date. See note to title of that dispatch.

Steamers which ply between the Ports of the Gulf of Mexico and Great Britain. He requests that they be exempted from the operation of our blockade of the Mexican Coast. Lord Aberdeen informed me that during the French Blockade of Mexico, this exemption was granted by the French Blockading Force to these "royal mail steamers"—that these steamers carry only passengers and the mails, and no merchandize.

I replied that I have no instructions on this subject and cannot therefore give him any certain assurance;—but that I will make it the subject of a communication to my Government and that from my knowledge of the friendly dispositions of the President, I entertain a strong persuasion he will issue orders for this courtesy and the exemption desired, to be extended to the Royal Mail Steamers—as was done by the French Blockading Force.

Lord Aberdeen said the ratifications will be exchanged, and that he will inform me day after tomorrow at what time it may be done. He said the only reason for delay had been to observe a perfect neutrality between Texas and Mexico.

In regard to the Protest, he said if any officer of the Queen should take command of these steamers, it would be at the risk of his dismissal from the service;—that otherwise it was a private contract in which the Govt took no part;—that permission to arm these steamers had been asked of the Govt and refused.

Permit me to urge on the Govt to press the Blockade and capture the Mexican Steamers.

The Department will please recollect the haste and other circumstances under which I have the honor to be

Very resy

ASHBEL SMITH.

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SMITH TO McINTOSH.<sup>a</sup>

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SMITH TO RUSSELL.<sup>b</sup>

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SMITH TO ABERDEEN.<sup>c</sup>

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ABERDEEN TO SMITH.<sup>d</sup>

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TEULON TO JONES.<sup>e</sup>

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<sup>a</sup> June 20, 1842. See Smith to Jones, July 11, 1842.  
<sup>b</sup> June 22, 1842. See Smith to Jones, July 11, 1842.  
<sup>c</sup> June 24, 1842. See Smith to Jones, July 11, 1842.  
<sup>d</sup> June 25, 1842. See Smith to Jones, July 11, 1842.  
<sup>e</sup> June 25, 1842. See Calendar.

**BARBEEY TO SMITH.<sup>a</sup>****PROTOCOL OF CONFERENCE BETWEEN SMITH AND ABERDEEN.<sup>b</sup>****CERTIFICATE OF EXCHANGE OF RATIFICATIONS OF CONVENTION AS TO DEBT  
BETWEEN TEXAS AND GREAT BRITAIN.<sup>a</sup>****CERTIFICATE OF EXCHANGE OF RATIFICATIONS OF TREATY OF COMMERCE  
AND NAVIGATION BETWEEN TEXAS AND GREAT BRITAIN.<sup>c</sup>****CASTRO TO SMITH.<sup>a</sup>****ABERDEEN TO SECRETARY OF STATE OF TEXAS [JONES].<sup>a</sup>**

FOREIGN OFFICE LONDON

June 28. 1842

**SIR,**

The Ratifications of the three Treaties concluded at London in November 1840, between Great Britain and the Republick of Texas, having been this day exchanged by me with Mr. Ashbel Smith, The Queen my Sovereign has been pleased to invest Captain Charles Elliot, Her Majesty's Consul General to the Republick of Texas, with the additional diplomatick Character of Her Chargé d' Affaires.

I am therefore to request that Your Excellency will be pleased to give entire Credence to whatever Captain Elliot shall communicate to you on Her Majesty's Part; more especially when he shall assure Your Excellency and your Government of the lively interest which Her Majesty takes in whatever may concern the Welfare, Happiness, and Independence of the Republick of Texas.

I have the honour to be, with high Consideration,

Sir,

Your Excellency's  
most obedient  
humble Servant

**ABERDEEN**

His Excellency

The Secretary of State  
of the Republick of Texas  
*etc. etc. etc.*

<sup>a</sup> June 28, 1842. See Smith to Jones, July 11, 1842.

<sup>b</sup> L. S., June 28, 1842. See Smith to Jones, July 11, 1842.

<sup>c</sup> June 28, 1842. See Smith to Jones, July 11, 1842. The certificate of exchange of ratifications of the convention for the suppression of the slave trade, which took place at the same time, is not on file.

<sup>d</sup> L. S.

HUME TO SMITH.<sup>a</sup>

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RATE TO SMITH.<sup>a</sup>

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MEMORANDUM.<sup>b</sup>

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PRINGLE TO SMITH.<sup>c</sup>

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MCLINTOSH TO SMITH.<sup>c</sup>

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SMITH TO BARBEY.<sup>d</sup>

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RUSSELL TO SMITH.<sup>d</sup>

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KENNEDY TO SMITH.<sup>e</sup>

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SMITH TO ABERDEEN.<sup>f</sup>

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IKIN TO SMITH.<sup>g</sup>

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SMITH TO IKIN.<sup>h</sup>

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FOX, SONS & CO. TO SMITH.<sup>i</sup>

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<sup>a</sup> June 29, 1842. See Smith to Jones, July 11, 1842.

<sup>b</sup> Undated. See Rate to Smith, July 11, 1842.

<sup>c</sup> June 29 (?), 1842. See Smith to Jones, July 11, 1842.

<sup>d</sup> June 30, 1842. See Smith to Jones, July 11, 1842.

<sup>e</sup> June 30, 1842. See Smith to Jones, July 11, 1842; extract in Smith to Jones, July 4, 1842.

<sup>f</sup> July 1, 1842. See Smith to Jones, July 4, 1842.

<sup>g</sup> July 1, 1842. See Smith to Jones, July 11, 1842.

<sup>h</sup> July 2, 1842. See Smith to Jones, July 11, 1842.

SMITH TO JONES.\*

LEGATION OF TEXAS. LONDON

July 3. 1842.

Hon ANSON JONES

*Secretary of State*

SIR,

I have the satisfaction to announce to you that the Ratifications of the Three Treaties concluded between Texas and Great Britain, were exchanged on the 27th<sup>th</sup> of June at 3 o'clock P. M. at the Foreign Office, by Ashbel Smith on the part of Texas, and the Earl of Aberdeen on the part of Great Britain. Mr. George K. Teulon will proceed to Texas with the Ratified Treaties by the earliest safe conveyance.

The progress of our affairs here and my conversations concerning them with the Earl of Aberdeen, at our several interviews, up to the 18th of June, have been communicated in my previous dispatches to your Department.

The hostile sentiments which I found on my arrival, prevailing here in regard to Texas, are manifestly giving place to more favorable feelings and a much better appreciation of our country. Texas has had to encounter opposition from various interests. Persons engaged in speculations of sending Emigrants to the British Colonial possessions, have regarded the superior advantages for emigration offered by Texas over the British Territories, as seriously conflicting with the profits of their schemes. The interest of the Mexican Bond-holders has lead them to sustain actively the cause of Mexico as adverse to Texas. The diplomatic and consular agents of Mexico have spared no pains to mislead public opinion here in regard to the relations and respective conditions of Texas and Mexico. Mexico has recently made large remittances of specie to England, is a large and increasing consumer of British Manufactures, and has of late made important concessions and tariff regulations in favor of English Trade, all which naturally conciliates this Govt. and the merchants engaged in Mexican commerce. These mercantile and financial interests, as well as Mr Murphy, the Mexican Chargé, presented to the Earl of Aberdeen urgent remonstrances against the exchange of the ratified treaties and the observance of the Blockade. The British Govt which is always much influenced by its trading interests, and especially at this time of great depression and distress among its subjects, was induced to protract by official delays the exchange of ratifications until the 27th June, in deference to the opposing interests above mentioned. The Earl of Aberdeen remarked to me

\* A. L. S.; indorsed "Recey'd Augt 10th 42 Despatches No 9 and 10."

• The certificates of exchange are dated the 28th.

at our interview of the 18th June, that Mexico had behaved very well towards England, and that to have exchanged the ratifications on my arrival, immediately after the promulgation of our blockade, would have had the appearance of espousing the cause of Texas and of departing from the strict neutrality which England is determined to observe. Since the exchange however, the position of some parties is greatly changed. The Mexican Bondholders and persons engaged in Mexican trade, two important interests, are now decidedly in favor of establishing peace between Texas and Mexico.

The ratifications having been exchanged, I invited the Earl of Aberdeen's attention to the Convention for Mediation. He repeated what he had formerly stated to me;—that the subject had been frequently pressed on the consideration of the Mexican Govt. by Mr Packenham, and by himself on Mr Murphy, Mexican Chargé d'affaires at this Court;—that the Mediation was positively declined;—that Mr Murphy assured him that on this subject, all persons in Mexico were agreed, and that no person or party there is strong enough to acknowledge the Independence of Texas;—though Mr Murphy himself seemed to regard its ultimate recognition as probably inevitable. *The Earl of Aberdeen could give me no hopes that the Mediation of England would be successful.*

The two Steamers of War built in England for the Mexican Government have not failed to command my very careful attention. In my several dispatches and in private letters to the head of the State Department and to His Excellency the President, I have presented this subject with earnestness, and have furnished important details concerning these vessels. As a further precaution against mis-carriage of my official communications, I have written to the Hon James Reily, our Minister at Washington, to the Hon. Secretary of War and Navy, and to W. D. Miller Esq, his Excellency's private Secretary. On the 14th June I presented a Protest concerning these vessels to the Earl of Aberdeen, a copy of which protest was communicated in my dispatch No 7. to your Department. In my interview with the Earl of Aberdeen on the 18th June; he, mentioning the receipt of my Protest, *distinctly assured* me, as he had done on a former occasion, that the Government had no connection *whatever* with the building, etc. of these Steamers;—that the Mexican Consul Mr Lizardi had asked permission of him to arm and equip these vessels in British Ports, which permission, he, the Earl of Aberdeen, refused to grant. Lord Aberdeen proceeded to say to me, that vessels may be built and sold in England to any body; like other merchandize, and there is no preventing it;—that the purchase and export of arms is lawful and cannot be prohibited;—that sailors go where they please and enter what service they please, and the Govt. could not prevent them, but had found great difficulty in reclaiming its

seamen when it needed them;—but that on its Officers the Govt has a hold; and that any officer of the Queen entering a foreign service would do so at the risk of his Commission. Lord Aberdeen repeated the substance of the preceding remarks, on the 27th June; and I then intimated to him that I would furnish him the names—as I doubted not, of being able to learn them—of the officers who were to go in command of the Mexican Steamers.

I was subsequently assured on good authority, that Captain Charlewood, Commander, Royal Navy, Capt. Cleaveland, Commander R. N. and Mr Wright, Master R. M. were the Officers of the Mexican Steamers. I also received from a highly respectable source the following statement.

[Here follows a transcript of a memorandum furnished Mr. Smith by Consul Rate.<sup>a</sup>]

I immediately addressed a note to the Earl of Aberdeen, a Copy of which is appended to these dispatches.<sup>b</sup> Your Department is assured that I did not present such grave matter to her Majesty's Government, without being fortified with written statements of responsible men. You will also perceive that after the distinct and repeated assurances of Lord Aberdeen that *his Govt. had no connection whatever with these Mexican Vessels*, I could not ask a formal explanation, and I have worded my note accordingly. His Lordship has not yet answered my last communication—which indeed does not require a formal reply immediately.

In addition to the very full details concerning the Mexican Steamers, furnished in my previous dispatches, I will state that—<sup>c</sup>

The "Guadalupe" is expected to sail today—Sunday July 3d—from Liverpool, entered in 'Trade List' as a *Merchant Vessel*; but carrying two 68 pounders,—one fore and the other aft, on swivels—and commanded by Captain E. P. Charlewood Royal Navy; and *without the least doubt* proceeding to Mexico to be employed against Texas. She is regarded as an exceedingly efficient War Steamer.

The "Montezuma" is 1200 Tons burthen, has 2 Engines of 140 horse power each—will carry six carronades, and one Paixhan Gun of 10 inches—will draw 13 feet water—is getting in her Engines etc.,—and will sail from London on the 10th August or thereabouts—is to be commanded by Capt Cleveland, Commander R. N. She is a very stout powerful vessel of war.

I have not yet been able to learn with certainty when these vessels are to be paid for—that is at what moment they become bona fide

<sup>a</sup> See Rate to Smith, June 29, 1842, in copies of correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>b</sup> To the dispatch of July 4, 1842. The note is dated July 1.

<sup>c</sup> Cf. Pringle to Smith, [June 29(?), 1842] in copies of correspondence inclosed with Smith to Jones, July 11, 1842.

Mexican property. It is believed they are to be paid for out of the remittances of specie to London from Mexico.

I repeat that the destination and capabilities of these Mexican Steamers of war, admit of no doubt—that we can *expect no efficient interposition of the British Government*—that we must do our own fighting—and Texas has no time to lose in *tardy* preparations.

Permit me to submit for your consideration that the chargé d'Affaires of Texas in Europe be authorized under proper circumstances and restrictions to issue letters of marque etc. against Mexico. This course has been advised by some warm friends of Texas here.

Recent arrivals here from the West Indies, and Mexico assert ‘there is nothing of the Texian Blockade’;—and the Earl of Aberdeen said to me that the English Consul at Vera Cruz had written to the same effect. I learned through the New Orleans Newspapers, that the Sloop of War Austin was at New Orleans, and the San Bernard and San Antonio were at Mobile; that ‘they had captured three Schooners, etc.; but I have been without any official information on these subjects. Lord Aberdeen said to me, that we must look most *carefully to our blockade*; that he was apprehensive of some misunderstanding growing out of it;—that the withdrawal of our forces even for a time, was a raising of the blockade, and would require a fresh notice of its renewal. I could not say whether any other of our ships were maintaining the Blockade or not, during the absence of the three vessels named above. I must request to be furnished with early and particular information on these subjects;—and if the Blockade be continued, *what vessels have been maintaining it*. It is the clear opinion of the friends of Texas in Europe that the war should be vigorously prosecuted, and the Blockade rigidly enforced against Mexico, until it shall recognize in ample form, our Independence;—that there would forthwith be a very large and desirable class of emigrants going to Texas.

*Royal Mail Steamers.*—In a former dispatch I communicated Lord Aberdeen’s request that the “*Royal West India Mail Steamers*” touching at the Ports of Mexico should be exempted from the operation of our Blockade. These Steamers carry passengers and mails only; it will be remembered, and not merchandize. As this exemption was extended to these vessels by the French Fleet during their blockade of Mexico; Courtesy and policy appear to me strongly to advise, that an order to our Blockading Force be given accordingly and a copy of the order be furnished me to communicate to this Government. I suggested to Lord Aberdeen the mutual advantages of these Steamers touching at Galveston, and thus establishing a direct and frequent communication between Texas and Europe.

He expressed himself favorably disposed to adopt the suggestion and would recommend it to the notice of the proper persons. I think we may anticipate shortly an arrangement of this kind, which will prove highly beneficial to our country.

*Bonds of Texas.* Directly the ratifications were exchanged so that I could act with publickly recognized authority; my attention was directed to learn what liabilities of Texas are existing in Europe, in whose hands etc., they are. Mr. Shaw of the firm of Morrison Sons & Co informed me yesterday that their house holds an amount of Texas Bonds which have been hypothecated etc. We are to have an interview on this subject tomorrow which will be duly communicated to you. I have not been able to learn of any other Texas Bonds being out. An advertisement will appear in the Newspapers on Tuesday July 5. requiring all persons having Texas Bonds to exhibit them at the Texian Consulate.

*Emigration to Texas.* The number of persons in Great Britain, of moderate means, and as a class of very good character, who wish to emigrate is very numerous. Their attention is turned to Texas—but they are deterred for the moment by apprehension of the hostilities waged between Texas and Mexico, and by the misrepresentations concerning our country. I am now laboring to provide facilities for obtaining correct information. For this purpose the establishment of the Consulate, where *information to be relied on*, can at all times be obtained is very important. So that if any one be misled or defrauded in these matters, here, it shall be his own obvious folly for not making application at the *responsible* quarter. I shall make this the subject of my next dispatch on the Consular Establishment.

*Spain, Belgium etc.* It has not appeared to me advisable to touch on the subject of extending our diplomatic relations etc., to the Foreign Ministers at London, pending the exchange of our ratified Treaties with Great Britain. Neither has it seemed to me an auspicious moment to present this subject to Espartero, at the time of the dissolution of the Cabinet of Rull and the reorganization of the new Cabinet under General Rodil—especially as there has been the manifestation of some unkind feelings of Spain in regard to our blockade of Mexico. I shall shortly present this subject to Lord Aberdeen, agreeably to my instructions. Any negotiations with Belgium I am persuaded can be better done at Paris than at this Court. My attention will be given to this subject at an early moment after my arrival in France.

*Library.* I have received numerous valuable books and Parliamentary papers from Joseph Hume M. P. for the Library of the Republic of Texas, which will be forwarded by an early opportunity. It is

desirable to obtain for the Library of the House of Commons a set of our Laws and Congressional Documents in return. I expect to be able to procure valuable books for our Library of the Republic.

I shall leave London for Paris in a few days to enter on the discharge of my duties at that Court. The importance of our interests here appears to require me to remain at this place for a short period.

In France I shall learn with carefulness the dispositions entertained towards Texas—and see whether in the event of our needing Steamers of War, they could be obtained in France, and if so, on what terms. *I shall enter into no negotiations, nor in the slightest manner commit myself or my Government, without positive instructions.*

The hostility of France to England is regarded as favorably disposing the former country to Texas.

I have the honor to be

Very resy

Your obed servt

ASHBEL SMITH

SMITH TO JONES.<sup>a</sup>

No. 10

LEGATION OF TEXAS, LONDON

July 4, 1842

The Hon ANSON JONES

*Secretary of State*

SIR,

I have the honor to present for your consideration the following extract of a letter addressed to me by William Kennedy Esq

[Here follows a transcript of an extract from Kennedy to Smith, June 30, 1842, beginning with "Having been tendered" and including the remainder of the letter.<sup>b</sup>]

Very careful inquiries concerning Mr. Rate<sup>c</sup> and the House of which he is a partner, fully confirm Mr Kennedy's high recommendation. His manners and social position are much in his favor, and his appointment appears to me a very eligible one for our Republic.

Seeing the very great necessity of having a respectable Consulate here where *accurate information* can be obtained at all times—and conferring with Mr Kennedy whose advice in matters concerning the Consulate, has great weight with me; I have sent Mr. Rate's name as "Consular Agent" *provisionally*, for official notice, to the Earl of Aberdeen. I shall await your instructions on this subject, for my future conduct.

<sup>a</sup> A. L. S. See note e, p. 970.

<sup>b</sup> See copies of correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>c</sup> Lachlin McIntosh Rate, Texan consul at London upon resignation of William Kennedy.

It has appeared to me that Mr Kennedy's commission of Consul General, authorized him, with the instructions from His Excellency the President, to appoint a Consular Agent, who is in fact *Vice Consul*.

I have the honor to be with great respect

Your obed. servant

ASHBEL SMITH

[Copy of Note to Earl of Aberdeen]

LEGATION OF TEXAS. LONDON

July 1. 1842.

The undersigned Chargé d' Affaires of the Republic of Texas, respectfully invites the attention of the Earl of Aberdeen to the following information which he has received concerning the Mexican armament against Texas now in preparation in the ports of London and Liverpool

The undersigned is informed that the war Steamer Montezuma is to be commanded by Captain Cleveland, holding the rank of Commander in the British Navy and that the war steamer Guadaloupe is to be commanded by Capt. Charlewood a British officer of the same rank with Mr. Wright Master R. N as a subordinate officer. The Guadaloupe is expected to sail from the river Mersey on Sunday next 3d. inst.

In connexion with this Subject the undersigned takes this occasion to submit to the Earl of Aberdeen a statement derived from so respectable a Source as to give to its details a character of some importance. These are the express words of the statement as it has been placed before the Undersigned

[Next is transcribed the statement referred to.<sup>a</sup>]

The undersigned though not insensible to the danger of permitting such statements as the foregoing, circulating on grave authority, to pass without authorized contradiction, feels that to request any explanation from the Earl of Aberdeen would be wholly inconsistent with the sentiments inspired by his intercourse with his Lordship and with the confident reliance which he has upon the good faith of her Majesty's Government. Against the employment however of British officers in an armament intended to act against Texas, a power in friendly relations with Great Britain, he is called upon respectfully to protest

The undersigned takes this occasion to present to the Earl of Aberdeen the assurances of his highest consideration.

(Signed) ASHBEL SMITH

<sup>a</sup> See under Rate to Smith, June 29, 1842, in the series of copies inclosed with Smith to Jones, July 11, 1842.

SMITH TO ABERDEEN.<sup>a</sup>

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SHAW TO SMITH.<sup>b</sup>

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SMITH TO HUME.<sup>b</sup>

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SMITH TO RATE.<sup>c</sup>

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ADVERTISEMENT.<sup>d</sup>

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PRINGLE TO SMITH.<sup>e</sup>

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SMITH TO PRINGLE.<sup>e</sup>

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RATE TO SMITH.<sup>e</sup>

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SMITH TO JONES.<sup>f</sup>

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SMITH TO JONES.<sup>f</sup>

\* \* \* \* \*

Mr Teulon will leave on the 14th inst for Liverpool to sail in the "Hope" from that port to New Orleans on his way to Texas. He carries out with him the ratified Treaties, an engrossed copy of all my official correspondence, except that addressed to His Excellency

<sup>a</sup> July 4, 1842. See Smith to Jones, July 11, 1842.

<sup>b</sup> July 5, 1842. See Smith to Jones, July 11, 1842.

<sup>c</sup> July 7, 1842. See Smith to Jones, July 11, 1842.

<sup>d</sup> July, 1842. See Smith to Rate, July 7, 1842, in Smith to Jones, July 11, 1842.

<sup>e</sup> July 8, 1842. See Smith to Jones, July 11, 1842.

<sup>f</sup> July 10, 1842. See Calendar.

<sup>g</sup> A. L. S. July 11, 1842. The series of transcripts inclosed with this letter has been divided; those belonging properly to the Correspondence with Great Britain are given here, and those belonging to the Correspondence with France are placed together under the title of this letter in that correspondence.

<sup>h</sup> For the portion omitted, see Calendar under title of this letter.

the President and to your Department; he also takes with him very valuable books and papers for the Library of the Republic of Texas.

It is the opinion of very intelligent friends of Texas in England, that I ought to make my chief residence at this Court rather than at Paris, in view of the increasing interests of Texas in Great Britain, which interests it is asserted ought to be properly presented to the public. I can clearly discover an increasing good will towards Texas, of late, in this country.

No answer has been received to my Protest No 2. of July 1 addressed to the Earl of Aberdeen, on the subject of the Mexican Steamers.<sup>a</sup>

I have the honor to be  
Very respectfully  
Your obed servant

**ASHBEL SMITH**

Mr. Smith to Mr. Everett, U. S. Minister.<sup>b</sup>

Ashbel Smith presents his respectful compliments to Mr. Everett, with a letter from Gen. Houston, and would be glad to know at what time it would be convenient for Mr. Everett to favor him with an interview. (Card inclosed.)

London, May 12th., 1842.

Mr. Everett, U. S. Minister to Mr. Smith.

Mr. Everett presents his compliments to Mr. Smith and begs to inform him, that he shall be at home from 1/2 past twelve to-day till 6 and from 12 till 2 to-morrow, and shall be very happy to see Mr. Smith on either day, as most convenient to him

46 Grosvenor Place,

Thursday 12 May.

[Here follows a transcript of Smith to McIntosh, May 12, 1842.<sup>c</sup>]

Mr. Everett, U. S. Minister, to Mr. Smith.

46, GROSVENOR PLACE, 13 May, 1842.

SIR,—I saw Lord Aberdeen last evening, and after mentioning to him your being here and your desire to be presented to him by me, I enquired if it would be convenient to him, that you should accom-

<sup>a</sup> Transcribed with Smith to Jones, July 4, 1842.

<sup>b</sup> With this letter begins a series on the manuscript of which is indorsed the title "Copies of Correspondence of Honl Ashbel Smith, in London from 12th May to 8th of July, 1842. Recvd. 10th September 42. J. Waples."

<sup>c</sup> See Correspondence with France.

pany me to the Foreign Office to-day. Lord Aberdeen thought that the business which I have personally to transact with him, and for which the interview was appointed, would take up all the time he could spare to-day; and he intimated that he would prefer seeing you some other time. I will propose to him to-day to fix a time for receiving us.

I am, Sir, very respectfully, your Obedient Servant,

(signed) EDWARD EVERETT.

A. SMITH, Esq.

*Chargé d'Affaires of Texas.*

Mr. Everett, U. S. Minister, to Mr. Smith.

46, GROSVENOR PLACE, 13th. May, 1842.

SIR,—Lord Aberdeen proposed Monday at 3 o'clock to receive us. I did not recollect at the time, that I had another engagement, which would interfere with this. I will ask Lord A. to appoint another hour, and give you the earliest notice.

Respectfully yours,

(signed) EDWARD EVERETT.

[Here follows a transcript of Smith to Barbey. May 13, 1842.<sup>a</sup>]

Mr. Smith to Mr. T. Amory.

LEGATION OF TEXAS, LONDON,  
103 Jermyn Street, May 13th, 1842.

SIR,—Please deliver to George K. Teulon, Esq., the Treaty mentioned in the accompanying notes of Gen. Hamilton, and the Hon. Anson Jones, and you will much oblige, etc. etc. etc.

THOMAS<sup>b</sup> AMORY, Esq., London.

Mr. Amory to Mr. Teulon.

25 THROGMORTON STREET, 13th. May, 1842.

SIR,—I beg to acknowledge the receipt of a letter from General James Hamilton with one annexed from the Hon. Anson Jones, and another from Mr. Ashbel Smith, Charge d' Affaires of the Republic of Texas, desiring my delivery to you of the Treaty left with me by the General on his departure from this country. In reference to which I beg to acquaint you that on the 23d ult. in pursuance of a

<sup>a</sup> See Correspondence with France.

<sup>b</sup> Smith was mistaken as to his Christian name. See note c, p. 948.

request contained in a letter from Gen. Hamilton from New Orleans of the 3d March, I sent the said Treaty with a letter to the Earl of Aberdeen Secretary of State for Foreign Affairs.

I am, Sir, your Obdt Servt.

(signed)

SAMUEL AMORY

GEORGE K. TEULON, Esq.

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Mr. Smith to Mr. Everitt, U. S. Minister.

103, JERMYN STREET, 13 May 1842

SIR,—I received your Notes of yesterday and to-day and shall be in readiness to see Lord Aberdeen at such time as will suit your convenience.

Very respectfully yours, etc.

[Here follows a transcript of Everett to Smith, May 13, 1842, which has been given above and which seems to have been inadvertently repeated.]

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Mr. Everitt, U. S. Minister to Mr. Smith.

SIR,—Lord Aberdeen has appointed two o'clock tomorrow (Monday) to receive us at the Foreign Office. It would be convenient to me, if you could call here ten minutes before two. Lord A. stated that he had so many engagements for the day that he was not sure of being able to see us, but will do his best.

I am, Sir, Very respectfully yours,  
46 Grosvenor Place, Sunday 15th. May.

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Mr. Smith to Mr. Everitt U. S. Minister.

103 JERMYN STREET, May 16, 1842.

SIR,—I have the honor to acknowledge the receipt of your note of yesterday and will wait on you at 20 minutes before 2 oClock today.

I am Sir, etc. etc.

[Here follows a transcript of McIntosh to Smith, May 18, 1842.<sup>a</sup>]

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Mr. Smith to Earl of Aberdeen.

TEXIAN LEGATION, 103 JERMYN ST.

May 21, 1842.

MY LORD,—Permit me to invite your Lordship's attention to the relations between Texas and Great Britain. On the 16th. inst., after the interview with which I was favored by your Lordship, I received intelligence of an important nature.

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<sup>a</sup> See Correspondence with France.

There are matters to which I wish to call the attention of her Majesty's Government so soon as the exchange of the Ratifications of the Treaties shall be made. May I beg your Lordship to appoint an early day for making the exchange

I have the honor to be, with great respect, etc.

To his Excellency

The Rt. Hon. EARL OF ABERDEEN, etc. etc. etc.

[Here follow transcripts of Castro to Smith, May 23, 1842; Smith to Comte de Ste. Aulaire, May 27(?), 1842; and Comte de Ste. Aulaire to Smith, May 27, 1842.<sup>a</sup>]

Mr. Smith to the Earl of Aberdeen.

LEGATION OF TEXAS, 103 JERMYN ST., 27 May, 1842.

The Undersigned Chargé d'Affaires of Texas, had the honor on the 21st. inst, to invite the attention of the Earl of Aberdeen to the relations existing between her Majesty's Government and that of Texas. The undersigned would mention to Lord Aberdeen his strong impression that the period within which the exchange of the ratifications of the Treaties concluded between the two Governments is required to be made, will expire *very early* in June. If he is in error in regard to the time limited for this purpose he will be happy to be correctly informed by Lord Aberdeen.

The Undersigned respectfully requests the favor of an early personal interview with his Lordship.

The Undersigned take this occasion to express to Lord Aberdeen assurances of his highest consideration.

The Rt. Hon. the EARL OF ABERDEEN.

Lord Aberdeen to Mr. Smith.

Lord Aberdeen presents his compliments to Mr. Ashbel Smith and will be happy to see him at the Foreign Office tomorrow afternoon at 4 o'Clock.

Foreign Office, May 30, 1842.

[Here follows a transcript of Smith to McIntosh, June 1, 1842.<sup>b</sup>]

Mr. R. Russell, for Mr. M. P. Russell to Mr. Smith.

[Extract.]

LIVERPOOL 4th. June 1842.

SIR,—My son, Mr. M. P. Russell, having been confined from ill health since his arrival from Texas, feels gratified on learning that the Despatches entrusted to his charge have reached your hands

<sup>a</sup> For all three, see Correspondence with France.

<sup>b</sup> See Correspondence with France.

safely. As on the former occasion of my having this pleasure it was as his proxy, so on the present his illness still precluding his entering upon matters of business, I am deputed to reply for him.

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But I must cease this trifling and attend to the more important subject of your enquiry, namely the "Guadalupe Steam Frigate." This vessel has been built and equipt by Mr. John Laird here for the Mexican Government for the ostensible purpose of chastizing and bringing back to subjection the Texans and Yucatans. She is a beautiful Iron Frigate, exceedingly well put together, with compartments, so that if a hole or other injury be sustained in one of them the vessel will still float and work. She is about 800 tons register and of 180 horse power, and calculated with all her machinery and fittings on board to draw only from 4 to 5 feet of water. She is splendidly equipt and armed at all points, and has already made an experimental trip on our River, and has sailed faster and in other respects proved herself superior to the Iron Steam Frigates Nemesis and Phlegethon which have been so actively employed and have done so much mischief in China, and which were both built by Mr. Laird. She is in a few days intended to go a short distance out to sea for the purpose of trying her Ordnance,—will return into this Port and sail very shortly afterwards, if her Guns, etc., prove sound and satisfactory, *under sealed orders*, commanded by an officer (British) who has had promotion conferred upon him for his conduct and gallantly on the Euphrates expedition with iron vessels, so that his experience in Iron Ships is considerable. The crew will consist of Europeans and every exertion is being used for her speedy departure. She certainly will prove a formidable opponent from her shore creeping capabilities and we have only to hope that should she be employed against Texas she may become the property of the latter ere long.

The above information may be relied on; it has been obtained from a quarter which knows it to be correct, although the utmost secrecy has pervaded all the operations at this vessel from first to last. \* \* \*

[Here is transcribed an extract from Castro to Smith. June 4, 1842.<sup>a</sup>]

Mr. Smith to Mr. Reilly, Texian Chargé d'Affaires, U. S.

LEGATION OF TEXAS, LONDON, 103 JERMYN STREET,

June 6, 1842.

Hon. JAMES REILEY, *Chargé d'Affaires, etc.*

SIR,—You will perceive at once the importance of the following extract from a letter I have this moment received from Liverpool.

<sup>a</sup> See Correspondence with France.

[here follows the extract from Mr. Russells letter, dated "Liverpool 4th. June 1842.—Vide folio 11-12.]<sup>a</sup>

I have in two separate despatches called the attention of our Government earnestly to the fact that two Steamers of War are building in England for Mexico to be employed against our country. My last despatch was transmitted by the Boston Steamer which sailed from Liverpool on the 4th. inst. and directed to the care of Mr. Brower our Consul in New York.

The foregoing extract informs you concerning one of the Steamers, the "Guadalupe"; the other Mexican Steamer called the "Montezuma" is lying in one of the India Docks, just below London. I have been on board of her. She is a noble stout vessel—measures upwards of 1000 tons, has her boilers in, her two masts stepped—and at present rate of proceeding with the work will be ready for sea in a month. We have no vessel that single handed can cope with the Montezuma, well officered and manned.

These vessels must not be suffered to get under the protection of the guns of San Juan de Ulloa.

I have presented a protest to Lord Aberdeen on the subject. I fear it will come to nothing.

I have found Texas in exceeding bad repute here. We come in for an ample share of the dislike felt for every American—besides our own sins we have to answer for. The Anti-Slavery feeling pervades every class and is very active. The sympathy of the English people and the present interests of English Commerce are in favor of Mexico.

I write to our Government by tomorrow's packet from London.

I am with great respect etc. etc.

Mr. Smith to Mr. McIntosh.

LEGATION OF TEXAS, LONDON,  
June 7th. 1842.

Hon G. S. McINTOSH, *Chargé d' Affaires of Texas.*

SIR,—I gave Lord Aberdeen notice of the blockade of the ports of Mexico by Texas. This was done some days since—May 30th. Lord Aberdeen informed me that the legality of the blockade, if efficient, would be respected by her Majesty's Government. A copy of the proclamation of the Blockade appeared in the Gazette next morning.

Two war Steamers are building here for the Mexican service—the Montezuma—a stout powerful vessel of upwards of 1000 tons burthen. She is lying in the East India Docks near London, has her boilers

<sup>a</sup> Entry by the copyist at the Legation.

in—her masts stepped—and may be got ready for sea in a short time. The other Steamer is an iron vessel—the Guadalupe—is in the Mersey near Liverpool, about 800 tons burthen and of superior workmanship. She has her armament aboard, will make an experimental trip in a few days to sea—and shortly after proceed to Mexico. I have advised our Government on this subject. These vessels must be captured before they reach Vera Cruz.

I have informed Lord Aberdeen that I shall enter a protest against the arming and equipping these vessels in English Ports, so soon as the ratifications shall be exchanged. His Lordship did not lead me to suppose that a protest would result in any effective obstacle to the movement of these vessels.

From very careful and confidential inquiries I cannot learn that any money has been obtained in England for Mexico within a recent period.

Captain Elliot, Consul General of England in Texas sailed for his post a few days since.

The Consulship at Galveston has been offered by the English Government to Mr. Kennedy. He will not sail immediately.

The present interests of English Commerce and English sympathies are in favor of Mexico and adverse to Texas.

I shall remain in England some time longer as the movements of Mexico require to be watched.

I am with great respect, etc.

[Here follows a transcript of Castro to Smith, June 12, 1842.<sup>a</sup>]

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Mr. Smith to Lord Aberdeen.

LEGATION OF TEXAS, LONDON, 103 JERMYN ST.,  
June 14, 1842.

MY LORD—No impediment existing, that I am aware of, to the consummation of the Treaties between Great Britain and Texas, permit me to state to your Lordship that both for public and personal reasons, I am very desirous that the Exchange of the Ratifications should be made at an early day.

A party in whom I repose special confidence has delayed his return from England to Texas, at my solicitation in order to bear the completed Treaties and such communications as may, accompany them to my government.

May I request your Lordship to name an early day for the Exchange of the Ratifications as will comport with your convenience.

I have accompanied herewith for your Lordship's consideration a Protest concerning the Steamers arming, etc., in her Majesty's Ports

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<sup>a</sup> See Correspondence with France.

to be employed by Mexico against Texas. I have also added a certified copy of the Proclamation of the Blockade of the Mexican Ports, declared by his Excellency the President of Texas.

I have the honor to be with the highest respect,  
The Rt. Hon. EARL OF ABERDEEN.

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Protest against Steamers.

LEGATION OF TEXAS, LONDON, 14 June 1842.

The Undersigned Chargé d'Affaires of Texas had the honor at an interview with the Earl of Aberdeen on the 30th. day of May, to state to his Lordship that two Steamers of War were building in the Ports of her Majesty's Government, to be employed against the citizens of Texas. Subsequently to that interview, the Undersigned has received more definite information which he is prepared, if it is wished, to lay before his Lordship. According to this information, one of the Steamers, the Guadalupe, is expected to sail from Liverpool during the present week—her armament being on board,—with a crew consisting of Europeans and commanded by a *British* Officer, under sealed orders, but with the known purpose of proceeding to Mexico to be employed against Texas.

Against the sailing of a vessel, armed and equipped in a British Port, with British Seamen, and commanded by a British Officer, to be employed against the Citizens of Texas, the Undersigned presents, to the Earl of Aberdeen, his solemn protest, as an act inconsistent with the friendly relations subsisting between the two Governments of Texas and Great Britain, and eminently calculated to endanger the harmony of the citizens of the two countries, and to destroy the kind feelings entertained by the Citizens of Texas for her Majesty's Government.

The Undersigned takes this occasion to offer to the Earl of Aberdeen expressions of the highest considerations.

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Mr. M. P. Russell to Mr. Smith.

LIVERPOOL, 15th. June, 1842.

SIR.—I have now to inform you that I went on board the "Guadalupe" yesterday expecting to find her on the point of sailing, but from observation of what was passing, suspect she will not get to sea for perhaps a week or ten days yet; they have not yet succeeded in finding a proper position for the compass, where it can traverse without impediment from the attraction of iron; and the berths for the crew which are round the bows as in a Ship's forecastle are not nearly completed. Her two deck guns are on swivels—fore and aft—and

68 pounders, and I observed on the deck a row of balls as large as a good sized pumpkin. She has small windows all round the forecastle which I suppose will be intended for musketry. The rudder, compass and paddles are the only vulnerable points about her.

I shall continue to watch the progress of the Guadalupe and immediately inform you when her day of departure is fixed.

And am respectfully your Ob't. Serv't,

[Here follows a transcript of Castro to Smith. June 15, 1842.<sup>a</sup>]

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Earl of Aberdeen to Mr. Smith.

Lord Aberdeen presents his compliments to Mr. Ashbel Smith and will be happy to have the honor of receiving him at the Foreign Office tomorrow afternoon at four o'clock.

Foreign Office

June 17th. 1842.

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Mr. Smith to Mr. McIntosh.

103 JERMYN STREET, June 20, 1842.

Hon. GEO. S. MCINTOSH, etc. etc.

SIR, I had an interview with Lord Aberdeen on the 18th. inst. Lord Aberdeen made a request that the "Royal West India Mail Steamers" should be exempted from the Blockade of the Mexican Ports;—Lord Aberdeen said the exemption had been extended to the Steamers by the French forces during the French Blockade of Mexico;—that these Steamers carry the mails and passengers only and not merchandize. I replied that being without instructions on this subject I could give no certain assurance, but from my knowledge of Gen. Houston's friendly disposition, etc., I entertained a strong persuasion that he will issue orders to the commandant of our blockading force, so soon as he should receive my representations on this subject, to extend the courtesy and the exemption requested to the "Royal Mail Steamers". I addressed a dispatch on this subject to the State Department by yesterday's Steamer to Boston.

Lord Aberdeen enquired if the French Government had been notified of the Blockade. I told him that it has,—and presume I was correct.

Lord Aberdeen will inform me to-day at what time he will be ready to exchange the ratifications.

The Steamers for the Mexican service building here, will sail at the latter end of this month. I have earnestly and repeatedly called the attention of our Government to this subject and urged the rigid enforcement of the Blockade.

I have the honor to be, etc. etc.

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<sup>a</sup> See Correspondence with France.

The building, destination, etc., of these Steamers were spoken of by Lord Aberdeen as fully avowed by Messrs. Murphy and Lizardi, the Chargé and Consul; nor do I anticipate that any real obstacle will be opposed to their sailing. My dependence has from the first been wholly on their being captured off Vera Cruz. And with this view I have kept the Government of Texas fully advised of the real position of matters in relation to them.

It would be of importance to learn when the Steamers will cease to be under the protection of the British Flag—in other words, when they shall have been paid for.

In regard to the recognition of the Blockade and the exchange of Ratifications you doubtless saw Sir R. Peel's answer to Mr. D'Israeli in the House of Commons on the 13th. inst. See the Report in the Morning Herald—that of the Times contains an odd blunder of the Reporter.

Lord Aberdeen told me on the 19th. inst. that the Exchange of Ratifications would certainly be made and that no reason exists why it should not be done immediately.

The last intelligence from Texas is of a very favorable character. Have you any recent Galveston papers?

Your own discretion will of course make it clear that what I write is in some degree confidential—and the same discretion will be used in regard to your communications.

Some matters touching the mediation of England, between Texas and Mexico, I will mention so soon as any thing shall be definitively settled.

I have the honor to be, etc.

[Here follows a transcript of Castro to Smith, June 28, 1842.<sup>a</sup>]

Mr. Joseph Hume to Mr. Smith.

BRY. SQ.<sup>b</sup> 29 June 1842.

DEAR SIR—I am pleased to learn that the Treaties have been exchanged, and trust that the influence of that transaction will be to convince the Mexican Government, that peace ought to be forthwith made between them and Texas.

You want the security of peace only to have in a few months 1000ds of Emigrants from this country, that would soon add to your population and industry, and enable you to soon rise superior to all the difficulties of your infant State. I can only repeat to you what I stated to my friend Mr. Burnley, that I shall be pleased to forward any object that can promote the welfare of your young Republic.

You have only to intimate the manner in which I can forward your views towards the formation of your State Library, or in any other thing.

<sup>a</sup> See Correspondence with France.

<sup>b</sup> Bryanston Square?

Mr. Smith to Earl of Aberdeen.

Mr. Smith presents his compliments to the Earl of Aberdeen, and wishes to remind his Lordship of the promise to inform him on Monday last, June 20th. at what time his Lordship would be prepared to exchange the Ratifications of the Treaties concluded between Texas and Great Britain.

Legation of Texas,  
103, Jermyn Street,  
London,  
24th. June, 1842.

Earl of Aberdeen to Mr. Smith.

Lord Aberdeen presents his compliments to Mr. Ashbel Smith, and will be happy to receive him at the Foreign Office, at Three o'clock on Tuesday next, for the purpose of exchanging the ratifications of the Treaties between Great Britain and Texas, which were signed by Lord Palmerston and General Hamilton in November, 1840.

As the respective acts of Ratification should be collated previously to the exchange taking place, Lord Aberdeen requests that Mr. Ashbel Smith will come to the foreign Office at Two o'clock on Tuesday for that purpose;—and also that he will bring with him his seal which will have to be affixed to the certificates of the exchange of Ratifications.

Foreign Office,  
June 25, 1842.

[Here follows a transcript of Barbey to Smith. June 28, 1842.<sup>a</sup>]

Mr. Smith to Mr. M. P. Russell.

103 JERMYN STREET, June 22, 1842.

DEAR SIR, I am greatly obliged to you for the information concerning the Guadalupe, contained in your letter of the 15th. inst. Have the goodness to keep me informed of every thing connected with her arming, sailing, etc. etc. Lord Aberdeen mentioned to me on Saturday last, that permission had been asked of this Government by the Mexican authorized Agents here—Mr. Murphy, the Chargé, and Mr. Lizardi, the Consul—to arm these Steamers in the Queen's Ports; and that this permission had been refused:—and Lord Aberdeen remarked, in reply to an observation of mine, that one of the Queen's officers taking command of this Steamer would do so at the risk of dismissal from the Queen's service.

Ordnance and munitions of war may be exported but not in a condition to be used on the vessel offensively. What is the condition of the armament of the Guadalupe? Who is the Officer who goes out in command—and what is his position in the Mexican service?

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<sup>a</sup> See Correspondence with France.

I shall be at home on Sunday next at 1 to 2 o'clock and should be pleased to see you here that I may know how I can be useful to you.

I remain, your Obt. Servt.

ASHBEL SMITH, Esq.

etc. etc.

Mr. Rate to Mr. Smith.

DEAR SIR, The information contained in the enclosed memorandum I have received from a source which leaves little doubt of its authenticity. I am unable to give you my authority—but you will make what use you think proper of the Report.

I remain, Dear Sir, Your Most Obt. Servt.

3 St. James St., 29 June 1842

A. SMITH Esq.

Memorandum.

Two Men of War Steamers have been built in England for the Mexican Government—one by Messrs Greens and Wigrams, the other by Laird of Birkenhead.\*

These steamers were built under the auspices of Lord Melbourne's Government and under the directions of the British Admiralty who supplied the model, plans for arming, etc.

Officers of the British Navy have been appointed to the command of these Steamers, with the permission of the British Government.

The Steamers have been built and constructed expressly to act against Texas.

Mr. Pringle to Mr. Smith

[JUNE 29 (?), 1842.]

20 minutes past 10.

SIR,—The names are Captain Cleaveland, Commander R. N.; Capt. Charlewood, Commander R. N.; and Mr. Wright, Master R. N. The time of sailing is not fixed but probably from this to the 10th. August or thereabouts.

The Montezuma is 1200 tons. Two engines of 140 horse power each. Will have 6 Carronades and one Paixhan Gun 10 inches. Draws 13 ft. water.

The iron Steamer draws 7 to 8 ft water. When all her stores are aboard it may be 10 or 12.

Yours very faithfully,

ASHBEL SMITH Esq.

[Here follow transcripts of McIntosh to Smith, June 29, 1842; and Smith to Barbey, June 30, 1842.]

\* Birkenhead.

<sup>b</sup> For both, see Correspondence with France.

Mr. M. P. Russell to Mr. Smith.

LIVERPOOL 30th. June, 1842.

SIR,—I thank you for the information of the Ratification of the Treaties between this Country and Texas, when published it will no doubt give confidence to Traders and encouragement to Emigrants to the Texas.

The Guadalupe is yet in the river completing her outfit, and expected to sail on Sunday next. Her armament consists of two Sixty-eight pounders on swivels—one fore and the other aft. I have tried in vain to procure information as to payment. She is entered in trade list, as the Merchant vessels are, for Corunna and Havanna. The officer in command is E. P. Charlewood who holds or did hold a Commission in her Majesty's Service.

I am very truly, your Obt Servt.

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Mr. Kennedy to Mr. Smith.

GREGORY'S HOTEL, ARUNDEL STREET, HAYMARKET,  
London. June 30, 1842.

SIR—In accordance with the desire of the Executive of the Republic of Texas, both privately and officially communicated, I have deemed it my duty to recommend the following gentlemen for Consular appointments in this country.

John Atkinson, Esq. to be Consul for Texas in the town of Kingston-upon-Hull, Yorkshire.

T. W. Fox, Esq. to be Vice Consul at the Port of Plymouth.

Having been tendered the Office of British Consul at the Port of Galveston, I have availed myself of the President's kind permission to relinquish the Commission of Texan Consul-General in Great Britain, no farther exercising its duties than by recommending respectable and properly qualified persons to fill Consular Appointments in this country.

Animated by a sincere desire to promote the best interests of the Republic from the conviction that they are identical with the interests of England, I beg leave to suggest the name of Lachlain Macintosh Rate Esq. as that of a gentleman eminently qualified to discharge the functions of Consul-General of Texas in this country. Mr. Rate is a partner in the highly respectable East India House of Rickards, Little and Co., one of whose members, Mr. Little, is a director of the Bank of England. The firm are disposed to form an extensive commercial connexion with Texas, and their means for doing so are abundant. Mr. Rate himself is specially fitted by youth and activity for conducting the affairs of a New Country.

I beg to suggest that until the subject of Mr. Rate's appointment as Consul-General has been considered by the Government of the Republic, it would be advisable that he should be authorized and empowered to act as Consular Agent in London.

I have the honor to be

with sentiments of sincere respect

your Most Obt faithful Servt.

His Excellency the Hon. ASHBEL SMITH.

[Next comes a transcript of Smith to Aberdeen, July 1, 1842.<sup>a</sup>]

Mr. Arthur Ikin to Mr. Smith.

LONDON, 23 THREADNEEDLE STREET,

*July 1, 1842.*

SIR,—Referring to our conversation respecting the Grant of Land made to my father, by Congress, I should feel truly obliged by your writing me a few lines stating your opinion as to the probable action of Congress with regard to an extention of the time for the fulfillment of the condition respecting the introduction of emigrants.

We had in Scotland, Yorkshire, and other quarters, at considerable trouble and expense made arrangements with suitable parties, who were to have sailed, as our settlers, last month; when the alleged invasion of Texas by Mexico, naturally induced them to pause; and the more recent accounts, which continue to announce preparations for war on both sides, have equally determined them to wait, until a state of things so threatening to the objects of the peaceable agriculturist shall be finally settled.

We are consequently prevented fulfilling the conditions of the Bill by September, the time specified; and unless Congress were to take into its equitable consideration the circumstances of the case, all our labor and expenditure, including claims upon the Treasury which we gave up in lieu of this Grant, would be lost.

If you will at the proper time aid me in laying this case before Congress and in the interim will favor me with you opinion as to the view in equity which it will be likely to take in the matter, I shall feel much obliged, as I can lay such a letter before my proposed Colonists, and it will I believe prevent them from altogether dispersing and relinquishing the idea of proceeding to Texas hereafter.

I remain, with sincere respect,

very truly yours.

Hon. ASHBEL SMITH etc. etc.

<sup>a</sup> See Smith to Jones, July 4, 1842.

Mr. Smith to Mr. Ikin.

LEGATION OF TEXAS, *London, July 2, 1842.*

ARTHUR IKIN, Esq.

SIR—It appears to me quite probable that on a representation being made to the Congress of Texas, that the arrangements entered into by yourself for carrying into effect the conditions of an act for the relief of Jonathan Ikin, were delayed and for the time rendered impracticable by reason of the renewal of hostilities by Mexico against Texas and by reason of other unforeseen circumstances over which you had no control, you may reasonably expect that the Hon. Congress will grant you a proportionate extension of time for carrying into effect the conditions of the act above named.

You must perceive still, that whatever be the justice of your claims, it is impossible to speak with absolute certainty of the future action of any Legislative Body.

I shall take great pleasure in submitting any documents you may furnish on the subject to the proper authorities.

I have the honor to be very respectfully,

Your's etc. etc.

Messrs Fox, Sons & Co to Mr. Smith.

PLYMOUTH, *2 July, 1842.*

ASHBEL SMITH Esq. etc.

SIR,—Our mutual friend W. Kennedy, Esq. having informed us you are the representative of the Texian Government in this Country, allow us to request the favor of your appointing one Thomas Were Fox, Junr., the Vice Consul in this Port, to represent that nation, and the duties of the Office he will fulfil to the best of his abilities.

We are, yours very respectfully,

Mr. Smith to Earl of Aberdeen.

LEGATION OF TEXAS, *London, July 4, 1842.*

The Undersigned Chargé d' Affaires of Texas presents his compliments to the Earl of Aberdeen and wishes to bring the following appointment under his Lordships notice for official recognition.

Lachlan Macintosh Rate, Esq. to be Consular Agent of the Republic of Texas in London.

The appointment of Mr. Rate as Consular Agent is provisional, to enable that gentleman to act until his Commission shall be received from Texas.

The undersigned has the honor to present to the Earl of Aberdeen assurances of his highest consideration.

Mr. Gabriel Shaw to Mr. Smith.

MOREGATE ST. 5 July, 1842.

SIR—Messrs Thomas Wilson & Co. inform me that the whole of the Texian Bonds deposited with them by General Hamilton, were burnt previous to his return to the United States.

I am very respectfully, Sir,  
your most Obt. Servt.

ASHBEL SMITH, Esq. etc. etc.  
103, Jermyn Street.

Mr. Smith to Mr. Hume.

103 JERMYN ST., July 5, 1842.

SIR,—As you were good enough to promise to Mr. Burnley, to use your kind influence with the Government of this country to procure for the Texian Government, copies of the Estimates, Reports and Journals of the British Legislature, which would be useful to it as a young State, to enable it to select proper forms in its proceedings; I have looked over the list of Parliamentary Papers in the Library of the House of Commons, as you requested, and I have noted such as appear to me calculated to be useful to be placed in the Library of the Republic of Texas. I herewith forward that list to you, with the request you will give us your aid in obtaining copies of these papers, in the same way as copies were furnished to France, Belgium, etc.; and I shall take care that copies of all the proceedings in the two Houses of Texas be sent for the Library of the House of Commons.

I have forwarded the Poor Laws Reports which you kindly sent to the Library of the Republic of Texas.

I have the honor to be with sentiments of esteem, very sincerely yours,

JOSEPH HUME, Esq. M. P.

Mr. Smith to Mr. Lachlin M. Rate.

LEGATION OF TEXAS, London, July 7.

To LACHLAN M. RATE, Esq.

*Consular Agent of Texas.*

SIR—I am instructed by the Government of the Republic of Texas to learn what Bonds of the Republic are held in Europe—their amounts, and the names of the holders. In execution of this part of my duty it appears to me advisable to insert in the London newspapers, a notice requesting the holders of Texian Bonds to report the same at the Consular Agency. I have taken the liberty of sending herewith a form of advertisement for this purpose. I have the honor to be, very truly, your Obt. Servt.

## Advertisement.

LEGATION OF TEXAS, *London, July, 1842.*

Texan Bonds:—Whereas the act of the Texian Government authorizing the negotiation of a loan in Europe has been repealed—such persons as are holders of the Bonds of the Republic are requested to exhibit the same, between the 24th and 30th July, to Messrs. Rickards, Little & Co, 15 Bishopsgate Street,

By order of the Texian Government.

Mr. Pringle to Mr. Smith.

DEAR SIR,—I just learn that there is no doubt but that Iron Steamer sailed yesterday from Liverpool, under the command of Capt. Charlewood.

yours very truly

3 King's Road, 8th. July, 1842.

ASHBEL SMITH, Esq.

Mr. Smith to Mr. Pringle.

DEAR SIR,—Your note informing me of the sailing of the Iron Steamer under the command of Capt. Charlewood, has this moment been handed in by the Postman. I am truly much obliged to you, and very sensible of your kindness. The receipt of this information is particular[ly] opportune, as I am going this evening to Mr. Everett's the American Minister, whose attention I shall call to this subject as I think the friendly relations of England and the United States may be jeopardized.

Could you furnish me convenient authority *with permission* to quote it to a Member of Parliament who might make it the subject of a question to the Minister?

\* \* \* \* \*

Very truly, yours,

103 Jermyn Street,  
July. 8. 1842

W. PRINGLE, Esq.

Mr. Rate to Mr. Smith.

CONSULATE OF TEXAS, LONDON,  
15 Bishopsgate Street, 8. July, 1842.

The Hon. ASHBEL SMITH,

*Chargé d' Affaires of Texas.*

SIR,—I have the honor to acknowledge the receipt of your letter of yesterday's date, informing me that you have been instructed by the

Texan Government to ascertain what Bonds of the Republic are held in Europe, and handing me a form of advertisement in order to obtain the desired information.

I beg to inform you that I have caused the same to be inserted in "The Times", "Morning Herald", "Morning Chronicle," and "Morning Post"—and shall in due course report to the Texian Government the results, handing you a copy of my communication.

I have the honor to be, Sir,  
your most Obd't Servant.

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[Accompanying Dispatch No. 11, in addition to the above series of copies, were also the documents, given or described, that follow.]

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#### Protocol

of Conference held at the Foreign Office June 28, 1842, between the Plenipotentiaries of Texas and of Great Britain.

The Plenipotentiaries of the Republick of Texas and of Great Britain, having this day met together, proceeded to the exchange of the Ratifications of the three undermentioned Treaties between the Republick of Texas, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; the time for which exchange had been extended by the Protocols of the 19th. of May and 14th. of December 1841, from the date originally fixed in the Treaties, to the 1st of August 1842.

A Treaty of Commerce and Navigation, signed at London on the 13th. of November 1840.

A Convention containing certain arrangements relative to Public Debt, signed at London on the 14th. of November 1840.

And a Treaty for the suppression of African Slave Trade, signed at London on the 16th. of November 1840.

ASHBEL SMITH  
ABERDEEN

CERTIFICATE OF EXCHANGE OF RATIFICATIONS OF CONVENTION AS TO PUBLIC DEBT BETWEEN  
GREAT BRITAIN AND TEXAS.<sup>a</sup>

The Undersigned having met together for the purpose of exchanging the Ratifications of a Convention between the Republick of Texas and Her Majesty The Queen of the United Kingdom of Great Britain and Ireland, containing certain arrangements relative to Public Debt, concluded and signed at London on the 14th. of November 1840:—And the respective Ratifications of the said Instrument having been carefully compared, the said Exchange took place this day in the usual form.

In Witness whereof they have signed the present Certificate of Exchange, and have affixed thereto the Seals of their Arms.

Done at London, the Twenty Eighth day of June 1842.

ASHBEL SMITH

SEAL.

ABERDEEN

SEAL.

SMITH TO JONES.<sup>b</sup>

No 12

LEGATION OF TEXAS, London

July 12, 1842

Hon ANSON JONES

*Secretary of State*

SIR,

The preceding Dispatch to your Department, no 11. dated yesterday July 11, is concerning the Bonds of Texas held in London.

To day I received a request from the Earl of Aberdeen to meet him at the Foreign Office. At this interview Lord Aberdeen informed me that he had made inquiries at the Admiralty concerning the facts set forth in my Protest of July 1. so far as relates to the officers Captains Charlewood and Cleveland and Mr Wright Master, and had found them to be correct;—that these officers had been instructed that if they went out of England in an *armed* vessel not of her Majesty's Service, or if being out of the country they should take command of any foreign armed vessel, they would be immediately dismissed from Her Majesty's service. The Earl of Aberdeen assured me *most distinctly*, that if these officers should take command of the Mexican Armed Steamers they should be dismissed immediately from the Queen's Service and their dismissal published in the official Gazette. Lord Aberdeen intimated that no obstacle would be interposed to these officers going out in command of the Mexican Steamers, provided these Steamers should not carry any armament;

but that their armament might be exported in other vessels. Still if these officers should command the Steamers after taking on board their armament, their dismissal would be gazetted.

Lord Aberdeen was pleased to say very kindly that public opinion was becoming more favorable to Texas than it had been, and that this favorable regard was like to increase, if no untoward vexations should grow out of our Blockade, which he feared. He said several legal points had been presented to him against the Blockade, which he had referred to the Lawyers.

I have received no advices or dispatches from Texas of a later date than April 6. Permit me to request your department to keep me informed of all leading facts, for serious awkwardness might result from my being in ignorance of important intelligence.

Mr Lachlan Macintosh Rate Consular Agent will keep the Department advised on all subjects of importance here during my absence at Paris.

Mr. Rate's address in London is

"Consular Agency  
15 Bishopsgate Street within"  
London  
England.

I leave for Paris to night.

I have the honor to be

Very respectfully  
Yours etc.

**ASHBEL SMITH.**

**ABERDEEN TO SMITH.<sup>a</sup>**

**HALFORD AND Co. TO SMITH.<sup>b</sup>**

**SMITH TO JONES.<sup>c</sup>**

**SMITH TO PRINGLE.<sup>d</sup>**

**SMITH TO JONES.<sup>e</sup>**

<sup>a</sup> July 16, 1842. See Smith to Jones, October 19, 1842.

<sup>b</sup> July 21, 1842. See Smith to Jones, July 31, 1844.

<sup>c</sup> July 30, 1842. Mentioned in Smith to Jones, August 13, 1842, as dispatch No. 13, but apparently never received.

<sup>d</sup> July 31, 1842. See Smith to Jones, August 13, 1842.

<sup>e</sup> August 1, 1842. Mentioned in Smith to Jones, August 13, 1842, as dispatch No. 14, but apparently never received.

DEBATE IN THE HOUSE OF COMMONS AS TO TEXAN AND MEXICAN AFFAIRS.<sup>a</sup>

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PRINGLE TO SMITH.<sup>b</sup>

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PRINGLE TO SMITH.<sup>c</sup>

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SMITH TO JONES.<sup>d</sup>

No 15

LEGATION OF TEXAS, PARIS

Aug 13, 1842

Hon ANSON JONES  
Secy of State

SIR,

Since my last Dispatches Nos 13 and 14. dated July 30 and August 1,<sup>e</sup> a debate occurred in the British Parliament on the affairs of Texas and Mexico, originating in a question asked by Mr Cobden of the ministry concerning the Mexican Steamers. A Copy of this debate as reported in the London papers is annexed hereto and marked *document A*.

In my conversations and correspondence with the Earl of Aberdeen on the subject of the Mexican Steamers, as appears in my previous Dispatches, Lord Aberdeen took the ground that the building and sale of these vessels and the export of arms are lawful acts, and that if unarmed they cannot be prohibited by the Laws of England from leaving British Ports. I then took counsel whether by a direct application to the Laws I might arrest their sailing and was assured that such application could have no beneficial result. I had, too, before me the case of the two Schooners which were built in New York last year for Mexico, and libelled before the Courts of that City. The libel was dismissed. I have however referred the subject again to the consideration of legal men in England who will not fail to institute such legal proceedings as facts will sustain. Hitherto their opinion has been adverse to the utility of any recourse to the Laws to arrest their sailing altho the important facts seem patent. I subjoin a portion of my correspondence on this subject where you will find the opinions of Mr Pringle, a distinguished solicitor, and of Dr. Addams an eminent practitioner in the Admiralty Court.

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<sup>a</sup> August 2, 1842. See Smith to Jones, August 13, 1842.

<sup>b</sup> August 4, 1842. See Smith to Jones, August 13, 1842.

<sup>c</sup> August 5, 1842. See Smith to Jones, August 13, 1842.

<sup>d</sup> A. L. S.

<sup>e</sup> Neither of these has been found. There is reasonable certainty that they were never received.

The Belgian Minister has been recalled from his functions at this Court; Mr Rumff the Minister from the free towns of Germany; and the Spanish Minister Mr Clozaga are absent at this time from Paris. Early after their return I shall invite their attention to the growing importance of Texas.

It was stated to me on respectable authority that Spain has sent a Frigate to the aid of Mexico. This appears to me quite improbable; but should my inquiries now making confirm the report I shall address a note to the Spanish Minister here and also to Mr Washington Irving the American Minister at Madrid. I repeat however that the report appears to me quite improbable.

Mr Guizot has appointed, tomorrow, an interview on the subject of France uniting with England in the Mediation between Texas and Mexico. I shall endeavor to forward you an account of the conversation by the present conveyance.

Permit me to urge respectfully on your Department the necessity of my being furnished with early and regular information.

What are the means of forwarding Government Dispatches etc. through New Orleans? Is Mr Edmunds discharging the duties of Consul? A box of valuable books and documents which I left in charge of the Consul at New Orleans to be sent to this Legation, have never come to hand.

I have the honor to be  
Very respectfully  
Your obed. Servant

ASHBEL SMITH.

*Document A*

[Debate in the House of Commons 2d Aug. 1842]<sup>a</sup>

Mexico and Texas

*Mr Cobden* begged to repeat the question which he had put last night, with respect to the vessels fitting out to take part in the Mexican War.

*Sir R. Peel* said he believed the facts were these—two vessels were fitting out, one at Blackwall and the other at Liverpool, for the Mexican Government. Application had been made to the British Government to permit them to be manned with British Seamen, and that permission had been refused. The Texian Minister had been informed also that no officer in her Majesty's navy would be allowed to serve against Texas. If hostilities should take place it was the intention of the English government to maintain a perfect neutrality. Mr. O'Connell said there was a law in Texas that no free subject of color should remain there longer than a certain time. He would feel

<sup>a</sup> Cf. *Hansard*, 3rd series, vol. 65, col. 964.

it his duty, whenever a convenient opportunity arrived, to call the attention of the house to the subject.

*Lord Palmerston* said he believed the laws in Texas were precisely the same as the laws in the states of the United States.

*Mr. O'Connell* said it was only in the state of Carolina that the law existed.

*Lord Palmerston* said that the Texian government had already secured the recognition of their independence by treaties with the United States of America, with France and the Netherlands, and the question came to this, whether the commerce between England and Texas should be placed on the same footing as the commerce between Texas and other countries or whether we should be exposed to disadvantages to which other states were not subject?

*Mr. C Buller* said that he did not think it would be proper to require of a state to alter its internal laws on entering into a treaty with another country.

*Mr Labouchere* thought that the House had no business to interfere in such questions as the present. It was a subject for the consideration of the governments of different countries.

*Mr Hume* said he should consider it desirable that our government should interfere to prevent hostilities between Mexico and the Texas. Those hostilities would necessarily produce great misery in those states, and would necessarily greatly inconvenience British trade.

*Sir R. Peel* said that the dissensions between those states had been undoubtedly attended with the worst effects. They carried on their hostilities with the bitterest animosity, pirates were encouraged to enter into their service; they destroyed each other's commerce; they prevented the growth of their natural prosperity. Those events in addition, interfered with their communication with those countries which were the first to recognize their independance. But it was principally on the ground of the fatal consequences to these states themselves, that these hostilities were to be deprecated. Every effort in the power of the British government would be made to contribute to the restoration of tranquility in those countries.

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[Letters accompanying Dispatch to Secretary of State, dated Aug 14,<sup>a</sup> 1842.]

*Document B.*

Mr Smith to Mr Pringle

HOTEL MEURICE  
RUE DE RIVOLI 42  
July 31. 1842

MY DEAR SIR

Your favor of the 29th Inst enclosing a slip from the Times has just been handed in by the Postman. I am truly sensible of the obliga-

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<sup>a</sup> The dispatch is, in fact, dated August 13.

tions conferred on me and on Texas by your attention to our interests. Is it possible to procure such *legal* evidence as would sustain a process for detaining the Montezuma? Would such process detain in fact the Montezuma until the decision of the case, or would she be permitted to sail on giving bonds and thus render the process nugatory? Under the 7th Sec. 59 George III Cap 69 by force of the words "Equip *furnish* fit out or arm" can the export of arms and ammunition ostensibly as merchandise in the hold of the Montezuma be prevented? What advantage can be drawn from the fact of a false destination having been given to these vessels by asserting that the Guadaloupe is intended for the East India service?

The Earl of Aberdeen in conversation with me avowed all the essential facts in regard to the purposes for which these Steamers were built and to their future employment in the Mexican service against Texas. Lord Aberdeen stated Mr Lizardi the Mexican Consul had asked of him permission to arm these steamers in British ports Could we compel Lizardi to testify in the case by bringing in action against the builders Mess Wigram & Green or by an action *in rem*?

Please weigh this subject and inform me whether Legal proceedings would result in anything but the entailing on us fruitless expense?

It would be inconvenient on many accounts to leave my business at Paris but if necessary I could come to England. I may add too that I do not wish to be in England before next winter unless my presence there should be quite necessary.

Very Sincerely

signed

ASHBEL SMITH

Document C

Mr Pringle to Mr Smith

LONDON 4 Aug 1842

MY DEAR SIR

One naturally feels diffident of ones own opinion in a matter of so much importance and I was very glad to avail myself of an opportunity of a little conversation with Dr Adams on the subject of the Mexican Steamers. Dr Adams is a leading barrister in the Admiralty courts. Yesterday evening I stated to him the prominent facts of the case referring him to the discussion in the House of Commons and to day continued my conversation with him, after he had time to reperuse the act. His opinion is that any attempt to stop the vessels under the powers of the 7th clause would not be successful and altho he admits there can be little if any doubt but that the statement of ownership still remaining in British subjects

until the arrival of the ships in Mexico is a mere subterfuge, it would be difficult to get quit of it and he thinks that under all the circumstances of the case if he were called upon to advise the officers of the Customs, he should give it as his opinion that they should not make, the seizure under the act. I am very glad to be able to give this report of my conversation with Dr Adams for he is a man of eminence in that Department of the profession.

I remain my Dear Sir

Yours Very faithfully

(signed)

Wm. PRINGLE

*Document D.*

Mr Pringle to Mr Smith

LONDON 5 Augt 1842

MY DEAR SIR

I have reason to believe the ministers have consulted the Attorney and Solicitor General, on the point whether the Mexican Steamers could be detained or not under the Foreign enlistment bill and that they have given their opinion that they could not. The ships belong to British subjects who send them out to Vera Cruz with a cargo of Guns and Powder and there is nothing to prevent the ships and cargo being sold when they get out. If we cannot stop them here, the Texans must "stop" them there and I trust they will. Although this investigation of the powers of the Foreign enlistment bill has not resulted in the manner it would have been wished, there is a degree of satisfaction personal to yourself and relieves you of responsibility in having ascertained that nothing can be done. I shall continue to do my best to keep you advised as far as I possibly can of the movement of these ships. It is also well to know your presence in London would be of no use in this particular matter

I remain My Dear Sir

Yours Very faithfully

(Signed)

WILLIAM PRINGLE

SMITH TO ABERDEEN.<sup>a</sup>

SMITH TO GUIZOT.<sup>b</sup>

ADDINGTON TO HAMILTON.<sup>c</sup>

<sup>a</sup> August [15?], 1842. See Smith to Jones, August 31, 1842.

<sup>b</sup> August 15, 1842. See Smith to Jones, August 31, 1842.

<sup>c</sup> August 19, 1842. See Hamilton to Jones, November 25, 1842.

TERRELL TO SMITH.<sup>a</sup>

DEPARTMENT OF STATE,

HOUSTON August 20th 1842

To Hon ASHBEL SMITH

*Chargé d'Affaires of Texas etc.*

SIR.

Your despatches for this Government, dated June 8th. July 3rd and July 4th were received some days since.

The absence of the Hon Secretary of State, (occasioned by severe illness) will account for the delay in answering your communications.

In his continued absence, owing to protracted indisposition, I am directed, by His Excellency the President, to communicate with you; in which he desires me to assure you that it has been a source of sincere satisfaction to learn that you have at length succeeded in negotiating an exchange of the ratifications, of the several treaties heretofore concluded between Great Britain and Texas—notwithstanding the many and serious difficulties which have been interposed. It can not but be regarded as an auspicious event; and authorises the expression of the hope entertained by this Government that the amicable and intimate relations thus established between the two countries, will not only remain undisturbed, but that they may be improved and strengthened, and ultimately become permanent. We are a branch of the same great national family—speaking the same language—governed in a great measure by the same laws—possessing kindred feelings and congenial sentiments—therefore that all causes of hostility towards this country, on the part of the Government of Great Britain, should be removed as far as practicable—that sentiments of an unfriendly character should give place to more favourable opinions and better feelings, is greatly to be desired; and for the accomplishment of this important object, the President relies much upon your prudence and abilities.

The interests of this country are most deeply involved in the mediation proposed by Great Britain, and you will continue to press this subject upon the attention of Her Majesty's Ministers. The United States have also made a tender of the mediation of that Government to effect the same desirable end which will of course be accepted by us. Should Mexico, after all these friendly offices on the part of neutral powers, persist in declining the proposed mediation, and active and efficient blockade will most certainly be enforced. Nor will this Government fail to prosecute hostilities vigorously by land. That this course on our part will be attended with

success, and eventually bring about the desired result—not a doubt is entertained.

The condition of our vessels requiring it, we were compelled to raise the blockade for a short period; for the purpose of refitting them. The Ship Austin and the Brig Whorton have been for some time in the port of New Orleans for this purpose—but are now daily expected at Galveston, and will be prepared, together with the schooners San Antonio and San Bernard (now there and ready for service) to proceed to the actual enforcement of the blockade. It is confidently believed also that we shall be able to get the Steam Ship Zavalla and perhaps the Brig Jim Bowie to sea shortly, as soon as the appropriations which the Congress at its late extra Session made for that purpose can be made available. A new Proclamation will of course be necessary.

Your conduct in regard to the War Steamers which, at the date of your last despatches were being fitted out in England for the use of the Mexican Government, meets the entire approbation of the President. This Government had entertained, nor has it yet relinquished, the hope that no considerations of interest or advantage could induce her Majesty's Government, by consenting to a manifest violation of the principles of international law, or the rules which govern the intercourse of friendly powers, to forget the magnanimity becoming a great and powerful Nation. Her Majesty's Government, it is believed, could not fail to perceive the injustice involved in, and the injurious consequences which must necessarily result from, a permission either express or tacit, on the part of that Government, and more especially under its auspices, to arm and equip vessels of War within her harbours, destined to act against a friendly Nation at war with a third power. These vessels have not as yet, as far as we have any intelligence, reached the port of Vera Cruz—nor will they be permitted to do so without a strong effort to prevent it.

You have doubtless, before this will have reached you, seen the bill passed by the Congress, at its late Extra Session, for the purpose of prosecuting offensive war against Mexico, and the message of the President vetoing the bill. The reasons which induced the President to withhold his sanction from that measure are found stated at length in the message itself. This document, it is true, will present you rather a melancholy picture of our present condition and circumstances—yet we do not despond. We have extensive resources and believe we will be able to make them available so as to carry out the war against our uncompromising, heartless and faithless enemy to a successful termination. That we will be able almost immediately to establish our blockade in accordance with the settled usages of

Nations, and rigidly to enforce it as long as may be necessary, there can be no doubt. Nor is it for a moment contemplated to abandon all offensive operations by land. On the contrary it is intended immediately to send out to the enemy's frontier a force sufficiently strong to produce to the enemy the most serious annoyance. But for this purpose it has been thought advisable to rely exclusively upon volunteer service. The precise time at which this expedition will march can not yet be determined. The orders have been issued, and the troops are now being raised, and will be in the field in a very short time. You will be regularly advised of all operations both by sea and land.

Your suggestions upon the propriety of investing the Charge d'Affaires of Texas in Europe with authority to issue letters of marque etc. against Mexico are deemed important and will receive the early attention of the Government. Should the recommendation be acquiesced in, the requisite blank commissions will be forwarded to you at Paris.

This Government will accede to the request of Lord Aberdeen that the Royal West India Mail Steamers, touching at the ports of Mexico will be exempted from the operation of the blockade—an order to which effect will be issued to our blockading squadron—with a copy of which you will be furnished to be communicated to her Majesty's Government. If an arrangement can be effected by which these vessels would regularly touch at Galveston, it would be highly gratifying to the President—and would doubtless be productive of decided advantage both to this Country and Great Britain.

Accompanying this despatch will be forwarded a commission for Mr. Lachlan Macintosh Rate as Consul General of Texas for the United Kingdom of Great Britain and Ireland—which you will please forward by the first safe conveyance that may offer.<sup>a</sup>

It may be a matter of no small importance to the interests of this Government that you acquire full and accurate information as to the amount and character of Texas liabilities existing in Europe. You are therefore desired to give this subject your earnest attention, and transmit the result of your enquiries to the State Department.

The books and papers which have been so politely presented by the Hon Mr. Hume—and others which you have procured for the use of the Republic will be a most valuable accession to our public library. You will please present to Hon Mr. Hume the acknowledgements of the Secretary of State for this unequivocal testimony of his regard for the interests and prosperity of our young Republic—and in return assure him that Copies of our Constitution, laws and Con-

<sup>a</sup> No copy of this commission is on file with the correspondence.

gressional documents will be forwarded to you to be presented to the library of the House of Commons, as soon as practicable.

Your attention is respectfully invited to the suggestions contained in the despatch from the Department of State of 7th June.

Your despatch relating to the Mexican War Steamers building in England have not been received at the proper Department—nor have your letters to Col. Hockley and Mr. Miller, (as those gentlemen inform me) come to hand.

It is the first wish of the President's heart to bring about an amicable adjustment of the long continued and profitless difficulties between this Government and that of Mexico. It is believed by his excellency that if France would unite her efforts with those of Great Britain and the United States, already tendered, it would furnish ground for the indulgence of a rational hope that this result, so desirable on every account, may be brought about.

You are well aware that there is no apprehension felt, on the part either of the Government or population of Texas, as to the ultimate issue of the impending contest between this Country and Mexico. It is therefore not on that account but alone for the sake of our citizens—to avert the evils ever attendant upon a state of actual war, and which, result as it may to governments, never fails to prove a serious calamity to individual members of the community—that the President feels so much anxiety to bring about this adjustment.

You will therefore, at your earliest leisure, lay this matter before the French Ministry, and press it with an earnestness proportioned to the corresponding sentiments with which you may discover His Majesty's Ministers to be animated.

That it will afford His Majesty's Government sincere pleasure, by the intervention of their friendly offices, to aid in adjusting existing differences between two neutral powers, the President does not entertain a doubt. The character of the French people as well as the uniform course of their Government—evincive of the most enlightened and liberal councils—furnish the most unequivocal guaranty that she is governed by such sentiment. It would be doing injustice [to] the national character of France—the earliest ally of our mother country—the first European power to acknowledge the Independence of Texas—and at all times the friend of Republics, to indulge the supposition that she can view with cold indifference a struggle between two neighbouring Republics, marked too by so rancorous and revengeful a spirit as that now going on between this Country and Mexico.

The high appreciation in which the President holds the character of His Majesty the King of the French, both as a man and a Prince,

and the many substantial evidences which France has given through her late talented and accomplished Chargé d'Affaires to this Government, M D. Saligny, of her friendly feelings towards our young Republic, conspire to point out France, above all other European powers, as the Nation which should be selected by Texas as an u[m]pire, in the event of the proposed mediation being successful.

These friendly feelings, you are authorised to assure His Majesty's Ministers, are fully reciprocated by the present Administration of this Government. So far as the President himself is concerned he has given the most unequivocal evidences of his friendship for the French Nation, in the several contracts for colonization which he has Granted to French citizens—and in conferring offices of high responsibility upon them—which, although unfortunate in one instance, nevertheless evinced his friendship. And more especially has he shown the most decided preference for Frenchmen in the vigorous and efficient support which as a member of Congress, he gave to the bill usually denominated the "Franc Texienne bill," in which it was proposed to introduce, with peculiar privileges, a large number of French emmigrants into this Country.<sup>a</sup>

The President desires that you will present his kindest personal regards to his excellent friend M. D' Saligny, and to assure that gentleman that he regrets much the causes (although he acquiesces in the necessity) which rendered it necessary for a gentleman of his character and abilities to withdraw from the Country—and hopes that he will find it convenient to return—with renewed health—or that his place will be supplied by a gentleman of the same enlightened views—liberal sentiments—urbanity of manners and amenity of temper.

The President desires to be remembered to you in the most affectionate terms—and to assure you that your conduct as a public functionary, so far as it has come to his knowledge, meets his entire approbation.

I have the honor to be  
with high consideration  
Your obdt Servt

G. W. TERRELL

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HAMILTON TO THE SENIOR OFFICER OF HER MAJESTY'S NAVY AT THE  
HAVANNAH.<sup>b</sup>

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<sup>a</sup> The bill passed the House, of which Houston was a member, of the 5th Texas Congress, but was killed in the Senate. See *Telegraph and Texas Register*, February 10 and 17, 1841; *Austin City Gazette*, July 21, 1841.

<sup>b</sup> August 28, 1842. See Hamilton to Jones, November 25, 1842.

ELLIOT TO SECRETARY OF STATE OF TEXAS [JONES].<sup>a</sup>

GALVESTON August 23rd. 1842.

SIR,

Having been appointed by Her Britannic Majesty to be Her Majesty's Consul General in the Republic of Texas, I beg to announce to Your Excellency that I have to day arrived at this place.

I propose to repair to Houston as soon as an occasion presents itself; but in the mean time, give me leave to ask You to convey to the President the expression of my highest respect, and to signify my great desire to wait upon His Excellency in person, whenever it may be convenient to receive me.

I should add that I am the bearer of a dispatch to Your address from the Earl of Aberdeen which it will be my duty to deliver to you, when I have the satisfaction of seeing you.

Accept, Sir, the sentiments of High consideration with which I have the honor to remain

Your Excellency's  
Most obedient  
Humble Servant

CHARLES ELLIOT.

His Excellency  
The SECRETARY OF STATE  
*etc. etc. etc.*  
*Houston*

TERRELL TO ELLIOT.<sup>a</sup>

DEPARTMENT OF STATE  
HOUSTON August 29th 1842

SIR,

The undersigned, in discharge of the duties of Secretary of State of the Republic of Texas, has the pleasure to announce the receipt of your note of 24th <sup>b</sup> Inst from Galveston—notifying this Department of your appointment as Her Britanic Majesty's Consul General for this Republic.

In reply I beg leave to state that it affords me very since[re] pleasure to be the instrument of welcoming the arrival of a gentleman so distinguished, as the representative of the Government of Her Britanic Majesty in this Republic.

The undersigned will be happy to receive Captain Elliot, at this Office, tomorrow at 10 o'clock A. M., or at any hour thereafter that may suit his convenience.

Accept Sir assurances of the high consideration

With which I am

Your most obedient  
humble servant

G. W. TERRELL  
Attorney Genl. and  
(Acting) Secretary of State.

To Honble

CHARLES ELLIOT

*Consul Genl.*

*etc. etc.*

*Houston*

TERRELL TO ABERDEEN.<sup>a</sup>

DEPARTMENT OF STATE

HOUSTON August 30th 1842

MY LORD.

The undersigned, in discharge of the duties of Secretary of State of the Republic of Texas, has the honour to acknowledge the receipt of the note addressed to this Department by the Earl of Aberdeen of date 31st May last, announcing the appointment of Charles Elliot Esqr, as Consul General of Her Britanic Majesty for this Republic.

It affords the undersigned great pleasure to state in reply (although not strictly in accordance with diplomatic usage) that Captain Elliot has been received by the Executive Chief Magistrate of this Government with that consideration which is due to the representative of a Government so pre-eminently distinguished amongst the Nations of the civilized world.

The undersigned avails himself of the opportunity to assure the Earl of Aberdeen that this manifestation of a desire on the part of Her Britanic Majesty to cultivate more friendly relations between the two countries, will be met by a corresponding spirit from the Authorities of this Government. The citizens of this Republic are proud to claim descent from the same great ancestry with the people of Great Britain. Availing herself of the wisdom and experience of that mighty people, Texas is, in a great measure, governed by the same laws—actuated by the same principles—and controlled by kindred feelings and congenial sentiments. Between Nations thus relatively situated the most intimate relations both social and commercial should ever subsist. And Her Britanic Majesty's Ministers may be assured

that no efforts will be wanting on the part of this Government to extend, to strengthen and render permanent these relations between the two countries.

I beg leave to tender assurances  
of the high consideration with  
which I am your Lordship's  
most obedient humble servant.

G. W. TERRELL

To

The EARL OF ABERDEEN  
*London.*

SMITH TO JONES.<sup>a</sup>

Copy—The Chargé d Affaires of Texas to the Earl of Aberdeen.

PARIS, August [15?], 1842.

The Undersigned, Chargé d'Affaires of Texas, has received Dispatches from his Government, in which it is stated that 'a triple interposition by France, England and the United States in the difficulties existing between Texas and Mexico, would appear to be proper, as it is consistent with the enlightened character of the age as well as the interest of those countries severally'. The Undersigned is instructed to suggest the propriety of such a course to the ministers for Foreign Affairs respectively of Great Britain and France. Accordingly the Undersigned addressed a note on the subject to the Minister of Foreign Affairs of the Government of France. As her Majesty's Government has already undertaken to interpose its friendly offices to effect a peace between Texas and Mexico, agreeably to the Convention of Mediation concluded between Texas and Great Britain, it has seemed proper to the Undersigned, to communicate to Her Majesty's Government, a copy of the note addressed to the Government of the King of the French. A copy of the note is accordingly herewith enclosed.

The Undersigned was informed that the subject of joint interposition will be presented to Her Majesty's Government by His Excellency the French Ambassador at London. Should it be deemed necessary by the Earl of Aberdeen, the Undersigned will repair to London at such time as may suit his Lordships convenience.

The Undersigned avails himself, etc.

signed ASHBEL SMITH

## Legation of Texas.

[Here follows a copy of Smith to Guizot, August 15, 1842.<sup>b</sup>]

\* A. L. S., dated August 31, 1842. Dispatch No. 17, dealing with both British and French relations, but classified with Correspondence with France, q. v. This dispatch contains the inclosure which follows, the logical place of which is here.

<sup>b</sup> See Correspondence with France.

SMITH TO SANCHO.<sup>a</sup>

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SMITH TO IRVING.<sup>b</sup>

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ELLIOT TO TERRELL.<sup>c</sup>

Houston September 10th. 1842.

The Undersigned, Her Britannic Majesty's Chargé d'Affaires to the Republic of Texas has the honor to address Mr. Terrell upon the subject of the notification of blockade of the Eastern ports of Mexico, proclaimed by the President on the 26th. March last.<sup>d</sup>

When He had the pleasure of seeing Mr. Terrell on the 28th. Ultimo, He mentioned that the despatch from which He gathered the views, and earnest desire and recommendation of Her Majesty's Government then expressed, adverted to Instructions of an earlier date not at that time received, and He abstained from making any written communication upon the subject, till He should be in possession of those Instructions; which is now the case.

The Earl of Aberdeen had already represented verbally to the Texian Chargé d'Affaires in London, the sentiments of Her Majesty's Government concerning the supposed blockade, and they have no doubt been conveyed to the President through that channel. But His Lordship has also desired the Undersigned to represent the ill will which a continuance of it would excite in Foreign Nations, and especially among the Mercantile population of the higher commercial powers, whose friendship it must be so greatly the interest of the Texian Government to conciliate in the infancy of their Country's independence.

To such considerations The Undersigned may add the opinion of Her Majesty's Government, that a blockade of the Mexican Ports has become particularly inopportune, since the final completion of the Treaties between Great Britain and Texas, since it is now the duty of the British Government, conformably to the provisions of one of those Treaties, to endeavour once more to mediate a peace between the two Countries, with a view to the recognition of Texas by Mexico.

It is scarcely to be supposed, His Lordship observes, that such a mediation can be undertaken with any rational hope of success when an obstruction is opposed by Texas to the commerce of Mexico

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<sup>a</sup> September 7, 1842. See Smith to Jones, September 8, 1842, in Correspondence with Spain.

<sup>b</sup> September 8, 1842. See Smith to Jones, September 19, 1842 (Dispatch 20).

<sup>c</sup> A. L. S.

<sup>d</sup> For the proclamation, see *Telegraph and Texas Register*, March 30, 1842.

with other Countries; which could under any circumstances contribute but little in proportion to its vexatious character to the success of the contest at present raging between the two Republics.

These, in substance, are the opinions and suggestions of Her Majesty's Government, founded upon the supposition that an actual and effective blockade, properly supported by an adequate naval force, in the manner required by the Law of Nations, might have been established and maintained, under the notification of the 26th. March last. And although that is not the situation of circumstances, still the Undersigned has considered it incumbent upon him to make a frank exposition of the feelings with which Her Majesty's Government regarded the supposed existence of the blockade. But the possibility that the proclaimed Blockade had not been duly enforced, had also been contemplated by Her Majesty's Government, and the Undersigned will now beg leave to turn to that point.

A period of nearly six months has elapsed since the notification of the 26th. March, without any practical enforcement of it, and such being the case Mr. Terrell knows that the indispensable condition of a blockade has always been wanting. The notification without the fact is insufficient, but whilst It continues unrevoked, or until the Merchants of Neutral Powers have a formal knowledge of the intentions of their own Government upon the subject, the notice necessarily entails undue and harassing consequences upon the Commerce with the proclaimed Ports.

The President will learn with concern that this has been the case on the present occasion; and upon the whole the Undersigned confidently commits it to His Excellency's Sense of justice, and friendly dispositions, to direct such an answer to be given to this Communication as may have the immediate effect of removing all further difficulty and uneasiness upon this subject.

The Undersigned avails himself with cordial satisfaction, of this first occasion of official correspondence to assure this Government of the respect of that, of his own for the independence of the Republic, and of the lively interest felt in its honor, welfair, and prosperity.

He also requests Mr. Terrell to accept the assurances of esteem and high consideration with which He has the honor to remain His obedient and faithful servant

CHARLES ELLIOT

To

The Honorable

G. W. TERRELL

Attorney General

charged ad interim

with the duties of Secretary of State  
of the Republic of Texas.

ORDER OF LORDS OF TREASURY FOR RELEASE OF THE MONTEZUMA.<sup>a</sup>HAMILTON TO LORDS OF TREASURY.<sup>b</sup>

WAPLES TO ELLIOT.

DEPARTMENT OF STATE TEXAS,  
HOUSTON 14th Sept 1842

Honl. CHARLES ELLIOT

*Her Britanic Majesty's Chargé d'affaires to the Republic of Texas,*

SIR,

I have the honor to acknowledge the receipt of your note of 10th Inst, on the subject of the Blockade of the eastern ports of Mexico by the Republic of Texas, and to enclose herewith a copy (signed by himself) of a proclamation of Revocation of Blockade of the said Eastern ports of Mexico issued by the President on the 12th Inst, of which, the President desires you to give notice to your Government at your earliest convenience.

The President ever desires to facilitate the interests of friendly nations, and more especially when that of his own is not prejudiced, and being desirous to cultivate, increase and place upon a more firm footing the friendship and mutual interests of England and Texas, has, upon the representation of yourself and the Honl. Mr Eve of the desire of your Governments, that the commerce between them and Mexico should not be disturbed by Texas, has deemed it proper to issue this proclamation, and hopes it may prove satisfactory to your Governments, and have a salutary influence upon the mediation now employed in Mexico for the recognition of Texas by that Government.

The President desires you to accept his highest regards,—and receive sir, the assurances with which I have the honor to be

Your most obedient servant

JOSEPH WAPLES  
*Acting Secretary of State*

SMITH TO ABERDEEN.<sup>c</sup>

<sup>a</sup> September 13, 1842. See Smith to Jones, October 19, 1842.

<sup>b</sup> September 13, 1842. See Hamilton to Jones, November 25, 1842. For the date of the letter to the Lords of the Treasury, see Addington to Hamilton in Hamilton to Jones, November 25, 1842.

<sup>c</sup> See *Telegraph and Texas Register*, September 14, 1842.

<sup>d</sup> September 14, 1842. See Smith to Jones, September 19, 1842.

SMITH TO ADDINGTON.<sup>a</sup>

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CIRCULAR LETTER TO TEXIAN CONSULS.<sup>b</sup>

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SMITH TO JONES.<sup>c</sup>

No. 20.

LEGATION OF TEXAS, LONDON

September 19th.<sup>d</sup> 1842

Hon ANSON JONES

*Secretary of State*

SIR,

The Mexican Steam Frigate Montezuma, whose detention I have communicated in former despatches, was released by an order from the Lords of the Treasury, dated the 13th Instant. This order stated that the Lords of the Treasury were pleased "to allow the vessel to proceed on the voyage, after the great guns and carriages now on board and the military stores connected with them shall have been relanded and the crew reduced to such a number as may be sufficient for the proper navigation of a vessel of such a size and character if engaged in peaceful commerce."

Immediately on being informed of the issue of such an order, I addressed a strong remonstrance to the Earl of Aberdeen; and in view of his absence from town, I requested in a separate note, Mr Addington Under Secretary of State for Foreign Affairs, to open my communication to Lord Aberdeen, for the purpose of taking such action as the importance of the matters treated of might render proper. Copies of my remonstrance, and note to Mr Addington are hereto annexed. I have received no answer to my remonstrance; the Montezuma is preparing to sail, and will probably leave in two or three days. She will undoubtedly be followed by another vessel containing her armament and military stores; these will be reshipped on board the Montezuma, and thus the order to disarm her can be regarded in no other light than a mere farce.

On reference to my Despatch of the 2d Instant, you will discover that I clearly foresaw the release of the Montezuma by a "*Ministerial order*", and in anticipation of it, that I wrote to Lord Aberdeen "requesting that the Montezuma shall be brought for trial before the courts of Justice of the Country, where her acquittal or condemnation shall be decided *judicially* according to the testimony." No answer

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<sup>a</sup> September 14, 1842. See Smith to Jones, September 19, 1842.

<sup>b</sup> Undated. See Smith to Jones, September 19, 1842.

<sup>c</sup> A. L. S.

<sup>d</sup> Possibly this should be the 18th; at any rate, it seems there should be one day's difference between the dates of Nos. 20 and 21. See the latter, which is dated the 19th and inadvertently numbered 22.

to my request has yet been received—the order of release is a refusal to my application.

My unremitting attention will be given to obstruct or delay the sailing of the Montezuma. The disposition so clearly manifested by this Government does not warrant me in being sanguine of success. Your department shall be kept promptly informed by me, as heretofore, of the progress of events here which may concern Texas.

Although the British Government, in my opinion has inclined very decidedly in favor of Mexico, I am persuaded it sincerely desires the establishment of peace between Texas and Mexico; and that its good offices are actively exerted in this behalf. I have frequent evidences too, that the cause of Texas is viewed with increasing favor here. A large and very respectable portion of this people clearly perceive the present and future importance of Texas.

Early in July last as stated in my dispatches of that time,<sup>a</sup> instructions were transmitted to the British Minister at Mexico to urge on the acceptance of that country the mediation of England. I presume the result of the proffered mediation has not been received in this country. I have not been informed whether the United States Government will unite in the "triple representation."

In consequence of complaints concerning spurious titles to lands in Texas, offered for sale in England I have addressed a circular letter to our Consular Agents in Great Britain, a copy of which is hereto annexed. I have also annexed a copy of my letter to His Excellency Washington Irving, American Minister at Madrid, covering a copy to him of my note to General Sancho, the Spanish Minister.

A private letter from Hamburg, to me states that the Hanse Towns would willingly form a treaty with Texas.

In a former Despatch to your Department I stated that Messrs Morrisons Sons, & Co held Bonds of Texas to the amount of £132,126 13s 4d. This was the amount as stated to me by Mr Shaw a partner of that house. I learned yesterday on an examination made at their counting house, in company with General Hamilton and Mr Burnley, that Mr Shaw had committed an error of twenty seven thousand five hundred pounds sterling—£27,500—whereby the amount held by them is reduced to one hundred and four thousand, six hundred and twenty six pounds thirteen shillings and four pence.—£104,626.13.4.—sterling.

I have the honor to be  
with great respect  
Your obedient servant

ASHBEL SMITH.

<sup>a</sup> See Smith to Jones, July 3, 1842.

(Copy)

## LEGATION OF TEXAS, LONDON

*September 14th 1842*

The Undersigned, Charge'd Affaires of the Republic of Texas has the honor to state to the Earl of Aberdeen, that he is informed, the Mexican Frigate Montezuma has been ordered to be released by the Lords of the Treasury; and that she will be permitted to sail for Mexico, after having removed from on board, her armament and warlike stores and reduced her crew to the number of men usually employed in merchants vessels of like size.

The Undersigned confesses that this compromise has created in him some surprise.

The character and destined employment of the Montezuma have been notorious; and they were in fact avowed to Her Majesty's Government by the Mexican Agents themselves in the application they made for permission to arm her and another Mexican Frigate, the Guadalupe, in British Ports. Notwithstanding this "application was refused", the Mexican Agents proceeded to "equip, furnish, fit out and arm" the Frigate Montezuma in the Port of London, not only "without the leave or license of Her Majesty's Government first had and obtained", but in contempt of it;—and these Agents further proceeded to enlist and take on board of the Montezuma subjects of Her Majesty, entered in the service of Mexico against Texas. All which acts have been done in violation of the Laws of this Realm as contained in the 59 George III. Cap. 69. Full proof of those facts was presented to Her Majesty's Government. And the Undersigned further submits that the discharging or transfer of the armament and ammunition of the Frigate Montezuma, and the reduction of the number of her crew, as proposed, are most clearly a confession of overt acts of guilt and of a violation of the Law in question.

The Undersigned further states, that in his opinion, the Foreign Enlistment Act would be again violated, and the impartiality of the British Government departed from, by the sailing of the Montezuma, even after the transfer of her armament and ammunition and the reduction of her crew. She has been avowedly built and is fitted up as a vessel of war, from her keel to her truck, and on her excellence in these respects, her warlike efficiency essentially depends. Her ammunition, armament and crew may within sight of the British Coast be reshipped on board of her, and thus the Montezuma may be employed in the service of Mexico against Texas as effectually as if her armament had been mounted in a British Port, contrary to the intent of Her Majesty's Government.

In view of these matters and of other information laid before Her Majesty's Government, the Undersigned in the name of His Govern-

ment most solemnly protests against any compromise, whereby the Frigate Montezuma shall be permitted, after having once violated the British Laws, to evade those Laws and be employed in the service of Mexico against Texas. Such a course the Undersigned respectfully submits, would have the appearance of departing from that impartiality which the British Government has maintained between the two countries.

All that the Undersigned asks for his Government is, that, the Montezuma having been detained for a violation of British Laws, her case may be disposed of in the same way as other violations of the Laws of the country—that it be sent to the Courts of Justice for final adjudication according to the evidence produced.

The Undersigned avails himself of this occasion to renew to His Excellency the Earl of Aberdeen etc.

signed

ASHBEL SMITH

His Excellency

The EARL OF ABERDEEN.

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(Copy.)

Mr Ashbel Smith to Mr H. U. Addington

Mr Ashbel Smith presents his compliments to Mr Addington and requests that in view of the absence of the Earl of Aberdeen from London, Mr Addington would open a Note this day addressed by Mr Smith to His Lordship, for the purpose of taking such action as the importance of the matters treated of in the Note may render proper.

September 14. 1842

3 St James's Street.

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Circular Letter to the Texian Consuls.

LEGATION OF TEXAS, LONDON

SIR,

The sale of spurious titles to land in Texas by persons in Europe, having become a subject of frequent complaint, I would recommend the following rule for your official guidance, until the Government of the Republic shall have organised a system under which foreign purchasers of Texian Lands may receive accurate information and obtain satisfactory guarantees.

Intimate to all parties who may consult you respecting the purchase of lands in Texas, that they will not be justified in buying

unless the person with whom they propose to deal is prepared to give them a reference to some individual of known credit resident in Great Britain, on whose assurances they feel they may rely.

I am

very respectfully

Your obedient servant

A. S.

To Mr \_\_\_\_\_

*Consul of Texas*

at \_\_\_\_\_

[There was also inclosed a copy of Smith to Irving, September,<sup>a</sup> 1842, with the original of which had been transmitted a copy of Smith to Sancho, September 7, 1842.<sup>b</sup>]

SMITH TO ABERDEEN.<sup>c</sup>

SMITH TO JONES.<sup>d</sup>

LEGATION OF TEXAS, LONDON

September 19. 1842

Hon ANSON JONES

*Secretary of State*

SIR,

I had the honor to transmit yesterday by General James Hamilton an important dispatch, No. 20, informing you that the Mexican Steam Frigate Montezuma has been released by order of the Lords of the Treasury. This I had clearly foreseen, as stated in my former communications.

Having obtained today a copy of the Order of the Lords of the Treasury, I have deemed it a proper occasion to make another remonstrance to the Secretary of State for Foreign Affairs, a copy of which is hereto annexed.

I learn that the parties are relanding the armament of the Montezuma, and expect to sail on Wednesday—the 21st Instant.

I have the honor to be

Very resy.

yr obed servt

ASHBEL SMITH

<sup>a</sup> The day of the month should be the 7th or 8th.

<sup>b</sup> For both, see Correspondence with Spain.

<sup>c</sup> September 19, 1842. See Smith to Jones, September 19, 1842 (Dispatch No. 21, marked "22").

<sup>d</sup> A. L. S.

<sup>e</sup> Should be 21. See Smith to Jones, October 3, 1842.

(Copy.)

LEGATION OF TEXAS,

September 19, 1842

MY LORD,

The importance of the interests involved in the sailing of the Mexican Frigate Montezuma, and the gross deception practiced upon Her Majesty's Government by the Individuals who have built and armed this vessel and the Guadalupe, induce me again to address your Lordship on this subject.

In your Note to me of the 16th July in reply to my Protest of the 14th June and 1st July concerning the Gaudalupe and Montezuma, your Lordship was pleased to say:—"The Undersigned has the honor to state to Mr Ashbel Smith in reply, that an application was made to Her Majesty's Government, by the Individuals to whom the vessels belong for permission to arm these vessels in British Ports, and that the application was refused. He has also to state that having caused an inquiry to be made upon the subject he has received the assurance that one of these vessels the Guadalupe has just left the Port of Liverpool unarmed, and that the other is preparing to sail also "unarmed".

Notwithstanding this assurance made to your Lordship, the Guadalupe did sail from Liverpool "armed to the teeth," manned chiefly with British subjects, officered and commanded by persons then or very recently holding commissions in the British Navy. In proof of the armament of the Guadalupe, and consequently of what credit is due to the Individuals making the assurance to your Lordship, I have the honor to annex a copy of Mr Francis B. Ogden's affidavit, the original of which was communicated to Her Majesty's Government sometime since. I have in my possession ample documentary proof of all the facts stated, but its production at this time would be attended with no obvious advantage to my country.<sup>b</sup>

Your Lordship is undoubtedly aware that the order for the release of the Montezuma was given by the Lords of the Treasury, inasmuch as their Lordships were induced to believe that the parties had been led unintentionally, as they alleged, into a violation of the Law; and as they have declared their readiness to abandon her armament, the vessel will be allowed to proceed on her voyage, after the great guns and carriages now on board and the military stores connected with them, shall have been relanded and the crew reduced to

<sup>a</sup> This surplus quotation mark may not have been in the original letter; but, at any rate, it serves to show in what frame of mind Smith was writing.

<sup>b</sup> In a copy of this letter belonging to a series inclosed with Smith to Jones, October 19, 1842, instead of this clause beginning with "but its" occur the words: "But I do not deem its production necessary, as the Guadalupe has been declared to be beyond the reach of British Law."

such a number as may be sufficient for the proper navigation of a vessel of such size and character if engaged in peaceful commerce.<sup>a</sup>

Your Lordship will perceive two very important points in the order of release:—First, the violation of the British Law by the Parties is expressly admitted and declared:—Secondly, this violation of the Law taken in connection with the application made to Her Majesty's Government for permission to arm these vessels, together with the assurance given that the Montezuma was preparing to sail also unarmed, was neither *unintentional* as alleged, nor ignorantly done. I conceive it must be clear to your Lordship that this violation of Law was wilful, deliberate and known on the part of the Individuals who armed and fitted out these vessels, and that an atrocious attempt has been made by them to deceive and mislead Her Majesty's Government, and to compass its departure from its friendly relations with Texas and from its impartiality in the contest between Texas and Mexico.

The application made to Her Majesty's Government by the Mexican Agent, for permission to arm these vessels, and other facts which have rendered their destination notorious, can have left, I presume, no doubt in your Lordship's mind that they are to be employed in the service of Mexico against Texas.

Should the Montezuma be permitted under these circumstances to sail and with the Guadalupe to ravage the Texian Coast—strong as is the regard of the Citizens of Texas for Her Majesty's Government and confident as is their reliance on its justice and impartiality, they will I fear be drawn to the conclusion that her Majesty's Govt. is disposed indirectly to aid Mexico in its endeavors to subjugate Texas.<sup>b</sup>

I take pleasure My Lord in renewing etc. etc.

signed ASHBEL SMITH

P. S. Some *verbal* errors in this copy—a correct one will be sent by next opportunity.

<sup>a</sup> In the copy referred to in the above note that part of this paragraph from "inasmuch" to "commerce" is inclosed in quotation marks.

<sup>b</sup> In the copy referred to in the last two notes, instead of this paragraph is the following:

"I have reason to know, my Lord, that the Citizens of Texas, entertain an especial regard for Her Majestys Government, and repose entire confidence in their justice and impartiality. If however, the Montezuma shall be allowed to sail, under present circumstances, and, with the Guadalupe, to ravage the Texian Coast, the presence of these vessels will create much surprise there, and seem to justify the conclusion, that Her Majesty's Government is disposed indirectly to aid Mexico in its contest with Texas.

The high confidence inspired by my intercourse with Her Majesty's Government, leaves me in no doubt, as to their very friendly feelings toward Texas, and their strict impartiality between Texas and Mexico.

I avail myself of this occasion to renew to your Lordship, the assurance of the high consideration, with which I have the honor to be,

very respectfully,

Your Lordships obedient servant

(signed) ASHLEY SMITH

ABERDEEN TO SMITH.<sup>a</sup>ELLIOT TO JONES.<sup>b</sup>GALVESTON September 26<sup>th</sup>. 1842.

The Undersigned Her Britannic Majesty's Chargé d'affaires to the Republic of Texas has the honor to acquaint Mr. Jones that He has been instructed by Her Majesty's Government to press the settlement of certain losses sustained by British Subjects, arising,

Firstly, out of the illegal detention of the British Barque "Eliza Russell" by a Texian naval force in the year 1837, and, secondly, out of the condemnation of certain British property, captured in the Mexican Schooner "Abispa" by the Texian armed vessels "Brutus" and "Invincible" on the 30th. June 1837, or thereabouts, whilst in the act of leaving the British Schooner "Little Pen" then lying cast away on the Alacranes Shoal; and for the further loss sustained by the carrying off from the "Little Pen" of the property still left on board, when the "Abispa" had quitted the wreck to proceed to Campeché.

The Undersigned has learnt with pleasure since his arrival here, that the claim on account of the "Eliza Russell" has already been disposed of by a joint resolution of both Houses of Congress (January 25<sup>th</sup>. 1840<sup>c</sup>) appropriating the sum of \$3840 in satisfaction of it, and He has therefore only to request upon that subject that the Government will be pleased to order the immediate payment into his hands, for remittance to England on account of the sufferers.

With respect to the other claim, the Undersigned is well aware that the course in accordance with the spirit of this Government would have been the protection of friendly property in the condition of the cargo of the "Little Pen" whether already on board of the captured Schooner "Abispa" (and it will readily be admitted that the property on board of the "Abispa" did form part of the Cargo of the "Little Pen") or taken from the wreck itself, by the boats of the Texian Schooners.

Conscious of such dispositions on the part of this Government, and considering the length of time which has elapsed since these transactions, without redress (no doubt from unavoidable circumstances) The Undersigned entertains the confidence that the President will now enable him to report to Her Majesty's Government the satisfaction of its just and earnest expectations on the subject.

The claim on account of the loss sustained by the seizure of the property out of the "Little Pen" amounts to the sum of £2636. 14s. 3d.

<sup>a</sup> September 21, 1842. See Smith to Jones, October 19, 1842.

<sup>b</sup> A. L. S.

<sup>c</sup> See Gammel, *Laws of Texas*, II, 420-421.

and the Undersigned will beg to add that it has been reduced through the interposition of Her Majesty's Government to the lowest sum to which the parties appear in justice to be entitled.

The Undersigned avails himself of this occasion to offer Mr. Jones the assurances of highest consideration with which He has the honor to remain

His most obedient  
Humble Servant

CHARLES ELLIOT

ABERDEEN TO SMITH.<sup>a</sup>

ELLIOT TO JONES.<sup>b</sup>

SMITH TO JONES.<sup>c</sup>

No 22.

LEGATION OF TEXAS

LONDON, October 3, 1842

Hon ANSON JONES

*Secretary of State  
Texas.*

SIR,

My preceding Despatches nos. 20 and 21 communicated to your Department the information that the Steamer Montezuma after having been detained for some days by the British Government was released by an order of the Lords of the Treasury, on condition of withdrawing her large guns and carriages and the military stores connected therewith. This was in part done, and the Montezuma sailed from Gravesend on thursday last, the 27th of September, bound for Vera Cruz. She still had concealed on board a considerable quantity of ammunition and small arms. Her heavy armament and the rest of her military stores will undoubtedly be sent after her and reshipped on the way, or meet her at the Havanna and [be] taken on board there. The Guadalupe, Mexican Steamer is probably ere this, arrived in the Gulf of Mexico.

I have received a Note from the Earl of Aberdeen<sup>a</sup> stating the detention of the Montezuma and the grounds of her release, in reply to my protests on this subject.

<sup>a</sup> September 27, 1842. See Smith to Jones, October 19, 1842.

<sup>b</sup> A. L. S., September 30, 1842. See Calendar.

<sup>c</sup> A. L. S.; indorsed "Recd 4th. Decr 42."

My reply to the Earl of Aberdeen's last Note,<sup>a</sup> as well as the whole correspondence in regard to these vessels will be handed to Mr S. Converse who leaves London this day on his way to Texas.

The Earl of Aberdeen has also addressed me a Note stating that Her Majesty's Government will hold the Blockade by Texas of the Mexican Coast, as null—inasmuch as Texas has failed to maintain this Blockade with an efficient force. Mr Converse will carry out a copy of Lord Aberdeen's Note.<sup>b</sup>

After closing the correspondence concerning the Mexican Steamers with the Earl of Aberdeen, I shall repair to Paris to attend to my duties at that Court.

I have the honor to be  
Very respectfully  
Your obedient Servant

ASHBEL SMITH.

SMITH TO JONES.

3. ST JAMES' STREET  
LONDON Oct 3, 1842

SIR,

Permit me to introduce to your favorable regards S. Converse Esqr.

Several gentleman in this country of great wealth and respectability propose to introduce emigrants into Texas, within the limits of the Colony said to be established near the Red River in compliance with the terms of a contract made under a Law of Texas in which the name of Daniel J. Carroll is mentioned.<sup>c</sup> As I am unable to give them any information either as to the interest or share of Dr. Carroll in the contract or as to what progress has been made in complying with its conditions they have deemed it best to dispatch a special Agent for the purpose of obtaining the requisite information in Texas.

Mr A. T. Burnley now in London as well as other gentlemen connected with Texas, have informed me that considerable progress has been made in the settlement of the Colony under the contract above alluded to. I have deemed it within the line of my official duty to state to the Gentlemen here, that Dr Carroll not being present in Texas at the time of concluding the contract, it is probable enough that his name may not be embraced in it; and, moreover, that I am unable to inform them what rights or interest Dr Carroll may claim in the s[ai]d contract.

The wealth and highly respectable standing of the parties in London, as well as my personal acquaintance with some of the gentlemen,

<sup>a</sup> October 10, 1842. See Smith to Jones, October 19, 1842.

<sup>b</sup> September 21, 1842. See Smith to Jones, October 19, 1842.

<sup>c</sup> Act approved January 4, 1841. See Gammel, *Laws of Texas*, II, 554-557.

offer in my opinion a sufficient guaranty for the efficient and faithful performance of whatever they shall undertake, and justify me in recommending Mr Converse to the favorable notice of the Texian Government. I may also add that the Hon Charles Fenton Mercer has united in wishing me to present Mr Converse to your favorable attention.

I have the honor to remain with sentiments of great respect

Your very obedient servant

ASHBEL SMITH.

Hon. ANSON JONES

etc. etc. etc.

HAMILTON TO JONES.<sup>a</sup>

(Private.)

BOSTON, Oct. 5th. 1842.

DEAR SIR,

I beg leave to announce to you my arrival in this place pr. Columbia Steamer, having sailed from Liverpool on the 20th. of September.

Your Chargé Mr. Smith will have apprized you of the release of the Steamer Montezuma on the condition of her being disarmed, a decision made by the Lords of the Treasury, about a week previous to my embarking.

The imminent probability that both of these steamers will be down on the coast of Texas in the course of a few weeks, makes me feel anxious both for the safety of your fleet and Galveston. I have written to Mr Reiley to meet me in New York, to ascertain whether any Paixhan guns have been sent to your Government from the United States and generally the condition of your munitions of war, as you may be satisfied that you are likely to have warm work before many months are over your heads.

I may publish an account of the building, equipment and seizure of the steamer, to arrouse public feeling in the United States, and will write Genl. Houston fully on my arrival in New York. I will be in Texas during the session of Congress.

I remain

Very Respectfully,  
Your obt. Servt.

J. HAMILTON

The Honble.

ANSON JONES

Secty. of State Texas.

<sup>a</sup> L. S.; indorsed "Recd 4th Nov. 42".

P. S. Mr. Ashbell Smith informed me that, on the 18th. Sept. he had addressed you a letter correcting an error of £27,500, in the amount of Texian Bonds held by the Bank of the United States. On examination the Report which Mr. Burnley and myself made to the Texian Government was found in all respects correct. Be so good as to communicate Mr. Smith's letter to yourself to the Secretary of the Treasury, to whom I write by this days mail.

respec'y,

J H

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SMITH TO ABERDEEN.<sup>a</sup>

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TERRELL TO SMITH.<sup>b</sup>

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TERRELL TO ELLIOT.<sup>b</sup>

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SMITH TO JONES.<sup>c</sup>

No. 23.

LEGATION OF TEXAS, LONDON

October 17. 1842.

The Hon ANSON JONES

*Secretary of State*

SIR,

Mr Addington Under Secretary of State addressed me a Note, by desire of the Earl of Aberdeen, inviting me to call this day at the Foreign Office. The following documents were then submitted to my perusal:—A Despatch of the Earl of Aberdeen dated July 1st communicating to Mr Packenham British Minister at Mexico, copies of the ratified Treaties between Texas and Great Britain, and instructions to present to the acceptance of Mexico the mediation of Great Britain between Texas and that country:—Mr Packenham's Despatch dated August 30th communicating the rejection by the Mexican Government of the proffered Mediation:—and, a Despatch from the Earl of Aberdeen to Lord Cowley the British Ambassador at Paris on the proposed triple Interposition of the United States, France and Great Britain in the affairs of Texas and Mexico.

The reasons which Lord Aberdeen instructs Mr Packenham to present to the consideration of the Mexican Government in favor of

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<sup>a</sup> October 10, 1842. See Smith to Jones, October 19, 1842.

<sup>b</sup> October 15, 1842. See Terrell to Eve of the same date in Calendar of Correspondence with the United States in Part I.

<sup>c</sup> A. L. S.; indorsed "Rec'd Dec. 4th 1842."

their accepting the Mediation of Gt. Britain on the basis of the Independence of Texas, may be generally ranged under the following heads:—In view of the resources which Texas can, and in the event of a continuance of hostilities, will derive from the people—not the Govt. of the U. States—Mexico must eventually be overcome, notwithstanding her early efforts should prove successful:—The importance to Mexico of having an Independent State like Texas intervene between that country and the American Union:—The advantages of friendly intercourse between Texas and Mexico after the hostile feelings between the two countries shall have subsided:—and, The danger of the annexation of Texas to the American Union.

Such was the general scope of the Earl of Aberdeen's communication to Mr Packenham as well as I can remember it.

Mr. Packenham's Despatch states that the mediation of Gt Britain was refused in the most explicit and decided manner by the Mexican Government.

Mr Packenham mentioned that his communication of the proffered mediation was listened to by Mr de Bocanegra with studied caution and without remark, that he was not however thereby inspired with any favorable anticipation; and further, that a conversation with Mr. Tornel the most influential member of the Govt. confirmed his apprehension of the "*utter hopelessness*" of Mexico's accepting the Mediation. He also stated, that General Santa Anna's Government was purely military—that the war against Texas furnished a good pretext for keeping up a large army on which Santa Anna's power rested, and that he would not willingly deprive himself of this 'device';—that nearly all the Mexicans felt very sore on the subject of Texas, and that no man at the head of affairs however disinterested or enlightened could entertain the question of recognizing the Independence of Texas, and maintain himself in power. He added that the financial embarrassments of Texas and the difficulties about the Volunteers from the United States were known in Mexico, and the Mexicans believed the present to be a favorable opportunity to reconquer the country; and, finally, that the Mexicans were determined to prosecute the war efficiently and to commence hostilities early the ensuing spring.

From the Despatch of the Earl of Aberdeen to Lord Cowley, it appears that the French Government have proffered with alacrity to unite their good offices with the other Powers in the proposed interposition. The British Government however declines acting in conjunction with the American Government for the alleged reason of the unfriendly relations subsisting between the United States and Mexico. They would however be pleased to be aided by the good offices of the French Govt. in the affairs of Texas and Mexico.

The fact undoubtedly is, as Mr Addington distinctly intimated to me in conversation, that the British Government would prefer to act solely in this matter and not conjointly either with France or the United States.

It is not perhaps unworthy of note that in the instructions of Lord Aberdeen to Mr. Packenham touching the "Mediation," the British Minister is also instructed to say to the Mexican Govt. that the good offices of the British Government would be tendered to Mexico to mediate between that power and the United States.

Mr Addington stated that the British Government would continue to urge their mediation on the acceptance of Mexico. To my inquiry whether the Mexican Steamers, the "Guadalupe" and "Montezuma" would be recalled, he replied his own confident opinion was that nothing would be done by the British Government to prevent their continuing in the Mexican Service; but, that the officers would be recalled, and if they should refuse to leave the Mexican Service, they would be deprived of their commissions in the Royal Navy. I remarked that such a course appeared to me to fall far short of maintaining a strict neutrality; and that as for the recal of the officers, when British Officers had been deprived of their commissions under similar circumstances, they had in most instances, been subsequently restored and sometimes promoted.

From a careful observation of the tone of Mr Packenham's Despatches as well as from his very positive statements, I am authorized to assure you that the British Minister in Mexico believes the "Mediation" of England to be 'utterly hopeless'; and that early in the ensuing spring, Mexico will endeavor to make a great and decisive effort to conquer Texas.

Great Britain declines to join with the United States in a triple Interposition.

The Frigates Guadalupe and Montezuma which were built, equipt, armed and manned in violation of the neutral relations of England towards Texas will be allowed to cruise against Texas without restraint.

Mr Addington mentioned to me that Despatches had been received from Capt Elliott since his arrival in Texas, which were very satisfactory.

The present Despatch will be sent out by the Steamer of the 19th Instant from Liverpool. By the Great Western Steamer which will leave on the 22d Instant, I shall send out a Copy of all the correspondence on the Mexican Steamers, and important Dispatches on other matters.

I omitted to mention in its proper place, that it appears from the Despatches of Mr Packenham submitted to my perusal, that the

Mexicans are expecting active aid from Old Spain—but he does not intimate whether he regards this expectation as well founded or not.

Has His Excellency decided on the propriety of transmitting to me authority to grant letters of Marque?

I am still without Despatches from your Department.

I propose to leave London for Paris immediately after the sailing of the Great Western on the 22d Instant.

I have the honor to be

very respectfully

Your obedient servant

ASHBEL SMITH.

SMITH TO JONES.<sup>a</sup>

No 24

LEGATION OF TEXAS  
LONDON, 3 ST JAMES'S STREET

Oct 19. 1842

The Hon ANSON JONES

*Secretary of State,*

SIR,

In my Despatch numbered 23d and dated the 17th Instant, I had the honor to state that Mr Addington one of Her Majesty's Under Secretaries of State for Foreign Affairs, informed me his confident opinion is, that the British Govt. will not recall the Mexican Steamers, the Guadalupe and Montezuma, nor take any steps whatever to prevent their being employed in the service of Mexico against Texas. A written reply to my last communication on this subject to the Earl of Aberdeen, will according to the usual form be made to me; but as Mr Addington's answer may be regarded as the decision of the Cabinet, it has seemed to me proper and not premature to transmit to your Department a connected account of what has been done in reference to these steamers, and copies of my correspondence concerning the same with the British Secretary of State for Foreign Affairs.

On reaching England in May last, I was informed that two Steam Frigates to be called the Guadalupe and Montezuma, were fitting out in the Ports of Liverpool and London respectively, for the service of Mexico against Texas. I instituted immediately careful inquiries to assure myself of the facts, and for this purpose, I went on board the Montezuma then lying in one of the India Docks near London.

On the 30th May, at an interview with the Earl of Aberdeen, I made a statement of these facts and remonstrated with him verbally against these Frigates being permitted to arm and equip in British Ports for the purpose of committing hostilities against Texas.

<sup>a</sup> A. L. S.; indorsed "Recvd 4th Decr 42."

His Lordship at that time affected not to know whether any such hostile armaments were preparing or not, and gave me general, hypothetical answers which were duly communicated to your Department.

On the 14th of June I presented a written Protest, in the name of the Government of Texas, concerning these steamers.

In a conversation I held on this subject with Lord Aberdeen shortly after the date of my Protest, he admitted himself to be informed on all the circumstances connected with the building, arming and destined employment of these vessels.

Not long subsequently I learned with certainty the names of the officers, Captains Cleveland and Charlewood who were to command these steamers; and I was moreover assured by a gentleman of very high respectability, who derived his information from the Admiralty, that these vessels had been built under the direction of the British Admiralty who had supplied the models and plans for building and arming them, and that they had been built and constructed expressly to act against Texas.

This information came to me on such high authority that I communicated it, in a Note, to the Earl of Aberdeen dated July 1st, wherein I renewed my Protest. I also stated to Lord Aberdeen that the Guadalupe was expected to sail from Liverpool on the 3d instant—(July). She sailed on the 4th of July.

On the 16th of July, the Earl of Aberdeen addressed me a Note in reply to my Protests above mentioned. He stated that he had received the assurance that the Guadalupe had sailed from Liverpool unarmed and that the Montezuma was preparing to sail also unarmed. His Lordship was grossly practiced on by this assurance.

Inasmuch as Lord Aberdeen admitted to me in our conversation, his full knowledge that these Steam Frigates were built by the Mexican Consul, Mr Lizardi and avowedly for the Mexican service against Texas, which facts are distinctly implied in his Lordship's subsequent notes, and as these facts on which my Protests were based, were not attempted to be traversed, there seemed no good reason for my again inviting his attention to this subject.

I then took advice of two distinguished legal gentlemen, whether under the Foreign Enlistment Act, I could arrest the sailing of the Mexican steamers.<sup>a</sup>

They were clearly of opinion that as the Foreign Enlistment Act confers a discretionary Power on the Crown to enforce its provisions or not, according to the pleasure of the Govt., no advantage could be expected by an appeal to the law in question, in opposition to the wishes of the Ministry. I also reflected that my only medium of

<sup>a</sup> See correspondence of Smith with Pringle inclosed with Smith to Jones, August 18, 1842,

communication with this Government or the Powers of this Country is through the Foreign Secretary; and, that after having made to him a representation of facts showing that the neutral relations of England towards Texas had been violated, if the Government should refuse to inforce the observance of their neutrality, any attempt on my part to seek redress through another channel, would be fruitless and improper.

Being fully persuaded that the British Government would interpose no real obstacle to the sailing of these vessels, I determined to repair to France, to see if any aid could peradventure be obtained there. Previously to leaving London, I communicated the facts connected with the steamers and the course of the Govt. in relation to them, to some friends of Texas, possessing considerable influence and to some members of Parliament.

The subject was afterwards brought up in the House of Commons, and the debate which occurred, seemed to have rather a favorable effect on the aspect of our affairs. A copy of that Debate as reported was duly transmitted by me to your Department.<sup>a</sup>

The public attention was thus directed to the Mexican Steamers and it seemed that the Ministry however unwilling, would be compelled to take some notice of their armament.

On leaving London I authorized some gentlemen, including our Consular Agent to take such steps in regard to the steamers as might be deemed advisable. Mr. Rate accordingly in my absence addressed a note to Lord Aberdeen which has been communicated to your Department.<sup>b</sup>

On reaching Paris I found public attention wholly engrossed by the lamentable death of the Duke of Orleans, which occurred only the day before my arrival. The Legislative Chambers were convoked to settle the Regency; and it appeared indelicate as well as impolitic for me arriving at such a conjuncture, to press the affairs of Texas on the consideration of the French Government, however favorably they might be disposed in general to regard them.

As soon as it appeared proper, I submitted to the French Government the proposed triple Mediation by France the United States and England, in the affairs of Texas and Mexico. The French Government acted promptly, and have I believe, urged the subject with friendly Zeal.

I then returned to London.

During my absence at Paris, General J. Hamilton arrived in London and laid an affidavit before the custom House officers in regard to the Montezuma. This vessel was detained some days by the Government. And were it not for some incorrect statements that have

<sup>a</sup> See Smith to Jones, August 13, 1842.

<sup>b</sup> This letter has not been found.

appeared in regard to this matter, I should deem it quite unnecessary to add that I am authorized to say that the detention of the Montezuma was not occasioned wholly by that affidavit. The Government was previously in possession, officially, of all the facts relating to this Frigate by my communications.

General Hamilton was, himself, I am aware, animated by a very sincere zeal for the good of Texas. It was however a cause of mortification to me afterwards, that the individuals who had acted under him in making inquiries, subsequently urged with a most indelicate importunity the condemnation of the Montezuma for the avowed purpose of sharing in the forfeiture. This course was liable to remove the cause, in appearance, from the high ground of the right of a neutral Power claimed under International Law, and to present it for the consideration of the Lords of the Treasury under a very mercenary aspect as the cause of a common informer. I am quite aware that the cause of Texas was not benefitted by the manner in which these parties proceeded; nor perhaps without their interference would the British Govt. have done less than was done.

In order that an opportunity might be afforded for the production of evidence concerning the armament of the Montezuma, I addressed to the Earl of Aberdeen a brief Note on the 31st August.<sup>a</sup> For a like reason and that the case might be placed on record, I addressed another note and a Letter to Lord Aberdeen dated the 14th September and 19th Septr. respectively.

By an order dated September 13th the Lords of the Treasury directed the Montezuma to be released from detention on condition of relanding her large guns and carriages and the military stores connected therewith, and the reduction of the number of her crew. It is to be observed that this order of release expressly declares the British Laws to have been violated in the case of the Montezuma. She sailed from Gravesend for Vera Cruz on the 29th of the same month.

On the 27th of September, Lord Aberdeen addressed me a Note setting forth the reasons which induced the release of this vessel and presenting some views and general considerations connected with the fitting out of the hostile Mexican armaments in British Ports.

On the 10th Instant I transmitted to the Earl of Aberdeen a note in reply to his of the 27th Ultimo, in which the subject is argued at some length, chiefly in reference to the neutral relations of England towards Texas.

On the 17th Instant, various Despatches connected with the mediation of England in the affairs of Texas and Mexico, were submitted to my perusal at the Foreign Office, and some conversation was held

<sup>a</sup> No copy of this note has been found.

with Mr Addington concerning the Steam Frigates. A full account of that interview is contained in my preceding Despatch numbered 23.

I take the liberty of subjoining the following brief statement relative to the vessels in question.

The two Steam Frigates, Guadalupe and Montezuma were built in the Ports of Liverpool and London respectively, under contract with Mr Lizardi, the Mexican Consul, and avowedly for the Mexican Service against Texas.

I have good reason to believe from high authority the British Admiralty furnished the models and plan for building and arming these vessels, knowing their destination.

The Guadalupe was fully armed and equipped as a vessel of war, manned with a war complement of British Seamen, commanded by Capt Charlewood of the British Navy, her Master and Gunner being also of the British Navy. She sailed from Liverpool for Vera Cruz on the 4th of July 1842.

The Montezuma was also a vessel of War; she was manned with upwards of sixty British seamen, had on board a thousand stand of small arms and munitions of war. She was commanded by Capt Cleveland of the Royal Navy. She sailed on the 29th Ultimo from Gravesend for Vera Cruz.

The seamen of both the Frigates were enlisted for the service of Mexico against Texas.

The two vessels sailed without cargoes, except, that their stores and munitions were extended into cargoes

I have the honor to communicate to your Department the following copies of Protests addressed to and of correspondence held with the British Government concerning these Mexican Frigates.

I have also had a voluminous correspondence with different persons on this subject which will at some future time be presented to your Department.

I have the honor to be  
very respectfully  
your obedient servant

ASHBEL SMITH.

[Inclosed is a series of transcripts, the first two of which are Smith to Aberdeen of June 14 and of July 1, 1842. Then follows:]

The Earl of Aberdeen to Ashbel Smith.

The undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the notes of the 14th. Ultimo, and 1st Instant, from Mr Ashbel Smith, Chargé d'Affaires of the Republic of Texas, relative to the equip-

ment and armament, in British Ports, of two Steamers, the "Gaudalope" and "Montezuma", which are stated by Mr. Smith to be under command of officers in the British Navy, and destined to be hostilely employed in the service of Mexico against Texas.

The Undersigned has the honor to state to Mr. Ashbel Smith in reply, that an application was made to Her Majesty's Government by the Individuals to whom the Vessels belong, for permission to arm these vessels in British Ports, and that the application was refused. He has also to state, that having caused an enquiry to be made upon the subject, he has received the assurance, that one of these Vessels the "Gaudalope" has just left the Port of Liverpool, unarmed, and that the other is preparing to sail, also unarmed. The Undersigned feels bound to consider this assurance as sufficient, inasmuch as, provided the vessels in question be not armed, in English Ports, the English Law is satisfied, and the British Government, have no further power to interfere with them.

The same rule however which applies to Mexico, would also equally apply to Texas. The British Government are determined to maintain a strict neutrality in the contest between the two Powers, and not to give to the one a facility or advantage, which is not equally conceded to the other.

The Undersigned thinks it right to add, that no English officer holding the Queen's Commission will be allowed to serve in the Mexican Navy against Texas.

The Undersigned avails himself of this opportunity, to renew to Mr. Ashbel Smith, the assurances of his high consideration.

(Signed) ABERDEEN

FOREIGN OFFICE

July 16. 1842.

[Next comes transcripts of Smith to Aberdeen, September 14, 1842; Smith to Addington of the same date; Smith to Aberdeen, September 19, 1842; and then the following:]

The Earl of Aberdeen, to Ashbel Smith.

FOREIGN OFFICE,  
September 21st. 1842.

Sir,

I have the honor to inform you that I have received a despatch dated the 21st. of June last, from Her Majestys Minister in Mexico, stating, that according to the latest advices from Tampico, and Vera Cruz respectively, of the 10th. and 16th. of that month, no vessel had appeared at either of those ports, to enforce the blockade, proclaimed by the President of Texas, on the 26th. of March preceeding; and that I have also received a further despatch, dated the 26th.

July last, from the same Minister, stating that the latest accounts from the Mexican Ports, do not mention the appearance of a blockading force, on any part of the Coast. Hence it appears, that down to the 21st. of July, no real blockade had been established by the Government of Texas, in pursuance of the declaration, made by them, on the 26th. March; and, it therefore becomes the duty of Her Majestys Government, to notify to Her Majesty's subjects, that the blockade so declared, on the 26th. March, is held by Her Majestys Government, to be null, and of no effect.

A notice of this purport will accordingly be published in the London Gazette, of Friday next, of which, I think it right, thus to apprise you, for the information of your Government.

I have the honor to be, with high consideration

Sir, your most obedient, humble Servant,

(signed) ABERDEEN.

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The Earl of Aberdeen, to Ashbel Smith.

The Undersigned, Her Majestys Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note of Mr. Ashbel Smith, chargé d'affaires from the Republic of Texas, dated the 14th. Instant, as well as of his letter of the 19th. Instant, in which he presented a remonstrance and protest against the release of the steam vessel "Montezuma" from the detention to which she had been subjected by the authorities of the Custom House, on an information laid against her owners, for an alleged contravention of the Foreign Enlistment Act.

In replying to the observations contained in the note and letter of the Texian chargé d'affaires, the Undersigned thinks it expedient, in the first place, to remark, that judging from the tone and tenor of Mr. Smith's communications, he seems to be under some error with respect to the object and intent of the Foreign Enlistment Act. That Act had originally, and still has for its object, not to give to Foreign Powers at variance with each other, the right of checking and controlling each others warlike designs and preparations in British Ports, or on British ground, but simply to give to the crown of Great Britain, the power of controlling, if it sees fit, the acts of its own subjects in regard to Foreign powers. In this view, therefore, at the same time that any individual, whether Englishman or Foreigner, may under the act, lay an information for any supposed infraction of it, whether, by fitting out Vessels of War, or in any other manner, a discretionary power is left with Her Majestys Government, to determine, whether or not such alledged infraction, is of a nature to be prosecuted before the proper Tribunals. In the case of the "Montezuma", circumstances which, in the opinion of the

competent authorities were of an extenuating character, presented themselves. The persons concerned in fitting out that vessel, satisfied the authorities, that it was under an erroneous impression of the extent, to which the trade in arms, in Great Britain is free, that they had embarked arms on board of the Montezuma. They had supposed that arms, being placed in the hold of that vessel, instead of being placed in position on deck, did not bring her within the scope and operation of the Foreign Enlistment Act.

This representation was considered by the authorities to whom it was submitted, as satisfactory. The "Montezuma" was therefore released from detention, on condition that the arms which she had on board, should be withdrawn, and the Crew reduced to such a number as might be fairly required, for the navigation of a merchant vessel. But this release had no reference to the contest existing between Mexico and Texas, any more than the original refusal, on the part of Her Majestys Government, to grant permission to Messrs. Lizardi & Co. to arm the "Montezuma" and "Gaudalupe", had reference to that contest. That refusal was founded simply on the inexpediency of allowing private individuals, for whatever purpose, to arm vessels of war, in British Ports; and the release of the "Montezuma" was equally founded on the inexpediency of executing with undue and uncalled for severity, the provisions of the foreign Enlistment Act, to the great detriment, and perhaps ruin of an Individual who had infringed that Act, under an erroneous impression of the extent of the power allowed by its provisions. Had Her Majesty's Government entertained any intention of favouring Mexico at the expense of Texas, as Mr. Smith seems rather gratuitously to suppose, it would have been easy for them to have given effect to that intention, by advising Her Majesty to grant at once to Messrs. Lizardi & Co. the permission which they solicited, to arm the "Montezuma" and "Gaudalupe". It was perfectly competent to Her Majestys Government to take such course, nor would any person or Government have had any just title to call their conduct in question. They however refused that permission. In submitting the preceeding considerations to Mr. Ashbel Smith, the Undersigned thinks it right to repeat distinctly, that Her Majestys Government are determined, and have already given ample proof of their determination, to act a strictly neutral and impartial part in the unhappy and fruitless contest which is now raging between Mexico and Texas; a contest which they earnestly desire to see terminated. No advantage will be given to the one Power, which is not equally enjoyed by the other, in the Ports of Great Britain.

But Her Majesty's Government do not propose to cramp the energies or fetter the spirit of enterprise of British ship builders or British manufacturers of arms, by unduly restricting the power of either

of the contending parties to resort to the British Markets for supplying their wants in either ships or arms. All that they propose to do, is to give equal facilities to both parties.

It has so happened that Texas has preferred building and fitting out her vessels of war, in the United States; but had she thought proper to resort to Great Britain for that object, the same facilities and the same measure of indulgence would have been extended to her, as to Mexico.

The undersigned begs to repeat here to Mr. Ashbel Smith, the assurance which he has already given him, that if after the arrival of the "Montezuma" and "Guadalupe" at Vera Cruz, to which Port it is understood that they are to be respectively conducted as private merchant vessels, by Captains Cleveland, and Charlewood, those vessels should assume the character of Ships of War, and Captains Cleveland and Charlewood should continue to serve on board them, or should serve on board any other vessels of war in the Mexican service, those officers, will on due evidence of the facts being given to the Admiralty, be recalled, and in the event of their refusal to obey that order, they will be removed from the list of officers in Her Majesty's service.

The undersigned avails himself of this opportunity to renew to Mr. Ashbel Smith the assurances of his distinguished consideration.

(Signed) ABERDEEN.

FOREIGN OFFICE,

*September 27, 1842.*

Ashbel Smith to the Earl of Aberdeen.

The Undersigned, Chargé d'Affaires of the Republic of Texas, has the honor to acknowledge the receipt of the Note dated the 27th ultimo, from the Earl of Aberdeen, Her Majestys Principal Secretary of State for Foreign Affairs; and although he regrets the decision of Her Majestys Government, in regard to the Mexican Frigates, the Gaudalupe and Montezuma, he cannot feel otherwise than gratified by the renewed assurance of the Earl of Aberdeen, that the British Government are determined to act a strictly neutral part in the contest between Texas and Mexico, and that they earnestly desire to see this contest terminated. The Undersigned will have the pleasure of promptly communicating this assurance to his Government.

Although the tenor of the Earl of Aberdeen's note leads the Undersigned to apprehend that the decision in regard to these vessels, is final, he feels it due to himself and more especially to the importance of this subject, to submit some further observations thereupon to the Right Hon. the Secretary of State for Foreign Affairs, lest silence might imply acquiescence in his Lordship's argument.

In inviting the attention of the Earl of Aberdeen to the hostile expedition which has been fitted out in British Ports against Texas, the Undersigned has not imagined that the object of the Foreign Enlistment Act was, to give to Foreign Powers at variance with each other, the right of checking and controlling each others warlike designs and preparations, in British Ports, or on British ground; but to enable the British Crown to regulate its domestic police, and to enforce the observance of its neutrality within its own dominions. Nor in alluding to any infringement of it, has he ever supposed that this act, with the discretionary power conferred by it on the crown, either defines what neutrality is, or settles in any manner, the Law of Nations on the subjects embraced in its provisions. The request that the case of the Montezuma should be tried before the ordinary courts of the Country, was prompted by his profound confidence in British justice, and his conviction that ample legal evidence was possessed to prove the equipment of the Montezuma to be in contravention of the Foreign Enlistment Act, as well as an infringement of the Law of Nations. The undersigned therefore, believing the case of the Montezuma to be a violation of a British Law of positive enactment—as indeed the Lords of the Treasury in their order for her release, have declared it to be—he chose to invite the attention of Her Majestys Government to the subject, under this point of view, as well as in reference to the question of neutrality, inasmuch as his purpose of guarding the rights of his own Country, might thus be effectually accomplished, and in a manner, as he believed not less acceptable to the British Government, than by an appeal to their obligations, as a neutral power, under the Law of nations. He has not however asked any further interference by the English Laws than he conceived the Law of nations entitled him to demand in behalf of his country.

The Undersigned is unwilling to pass without notice the doctrines which the Earl of Aberdeen, by the remarks contained in his note, appears to hold as to the extent, and under what circumstances, the trade of neutrals in arms and ships is authorized by the Law of Nations. He must also beg to declare his dissent from the opinion his Lordship has been pleased to express, that ‘it was perfectly competent to Her Majestys Government to grant permission to Messrs Lizardi & Co. to arm the Montezuma and Gaudalupe, and that no person or Government would have had any just title to call their conduct in question’.

The exportation of arms as merchandize, and the equipment of merchant vessels as such, it is conceded, are lawful acts, and being made equally free to both the Belligerants, cannot be complained of by either, as a departure from strict neutrality. But the undersigned

cannot consent to regard a Frigate like the Gaudalope, built for warlike purposes, fully armed, manned with British seamen, commanded by British officers, and notoriously destined to act against a friendly power, merely in the light of the exportation of arms and only as peaceful commerce in building and selling Ships. Neither can he admit that the Montezuma is to be considered merely as a Merchant Vessel, seeing that she too was built for a vessel of war, is manned with British Seamen, and commanded by British officers, the former of whom, if not the latter, have agreed to enter a foreign service at war with Texas, and have received an advance in money for the service which they have entered.

In support of the opinions entertained by the undersigned on the subject under consideration, he begs leave to appeal to cases in point.

Pending the war between France and other Powers of Europe, in 1793, Mr. Hammond the British Minister to the United States, presented memorials to the American Government, complaining of the purchase of arms and military accoutrements, and of the equipment and armament by French agents, of vessels in Ports of the United States, to cruise against British commerce. The subject of neutrality was at that time discussed at much length. It was then held that, "The original arming and equipping of vessels, in neutral "Ports by any of the Belligerant Parties, for military service either "offensive or defensive, would be unlawful,"—that "Equipments of "Merchant vessels by either of the Belligerent parties in neutral "Ports, purely for their accommodation as such, would be law- "ful",—and that "Equipments in neutral Ports of vessels of war, "in the immediate service of the Government of any of the Bel- "ligerent Parties, which if done to other vessels would be of a doubt- "ful nature, as being applicable either to commerce or war, are "deemed lawful".

In reference to the hostile armaments alleged to be then preparing in the United States, to be employed against Great Britain, Mr. Jefferson the American Secretary of State under General Washington, in his correspondence with M. Genet, the French Envoy, stated,— "The case in question is that of a vessel armed, equipped, and "manned in a Port of the United States, for the purpose of commit- "ting hostilities on nations, at peace with the United States". And the American Government then declared that "the arming and "equipping vessels in the Ports of the United States, to cruise "against nations with whom they are at peace, was incompatible "with the Sovereignty of the United States,—that it made them "instrumental to the annoyance of those nations, and thereby tended "to commit their peace",—and that permission to do so, was incon-

sistent with a "faithful neutrality". It was ably argued at the same time, by reference to the doctrines laid down by Vattel and Wolf, that, "If the neutral Power may not, consistent with its neutrality, "furnish men to either party for their aid in war, as little can either "enroll them in the neutral Territory, by the Law of nations",—and further, that, "if the United States have the right to refuse the per- "mission to arm vessels, and raise men within their Ports and Terri- "tories, they are bound by the Laws of neutrality to exercise that "right and to prohibit such armaments and enlistments." It was also declared by the Attorney General, that a Citizen of the United States, who had embarked in a vessel, fitted out in an American Port, by a French agent, to cruise against England, "was indictable "at the common Law".

These doctrines were faithfully observed, in regard to several vessels which were attempted to be fitted out in American Ports; and they appear to have been fully acquiesced in by the British Government, inasmuch as, where loss and damage had been sustained by the captures of British Ships, and merchandize, made by vessels, originally armed by French Agents, in United States Ports, the American Government were held bound, "in conformity to their neutrality", to make compensation.

The Undersigned conceives there is a special propriety in appealing to the above decisions, as the points arose upon the memorials of, His Majestys Minister to the United States,—and were argued, exclusively, as questions of international Law, and before any positive Laws had been enacted by the American Government to enforce the observance of their neutral relations, within their own Territories.

The Undersigned would also appeal to the line of conduct pursued by His Majesty's Government in the contest between Don Miguel and Donna Maria, in 1829—particularly in what was called the "Terceira affair", and to the opinions afterwards maintained thereon, by His Majesty's Ministers, in the House of Lords, as fully sustaining the position, that the organization of hostile forces, or fitting out of hostile expeditions, in any manner whatever, in neutral Territories, to act against either of the Belligerent Parties or Powers, is incompatible with the Law of nations. He begs also to refer to this case, as shewing to what extent, the neutral power is bound to interpose, in maintenance of its neutrality.

The undersigned need not inform the Earl of Aberdeen under what circumstances, a number of Portuguese subjects came to England in 1828, after the affair at Oporto, and were assembled and organized at Plymouth. Their assembling in a British Port was deemed inconsistent with the neutrality of the British Government

in the contest between Don Miguel and Donna Maria, and they were ordered to disperse. They subsequently left Plymouth, in unarmed merchant vessels, themselves unarmed, and unaccompanied by any naval force with a view of repairing to Terceira, then governed by authorities civil and military in allegiance to Donna Maria, whom these subjects acknowledged to be their legitimate Sovereign. There was reason to suspect that arms were in store for them at Terceira. On their arrival at the shores of their own country, they were prevented from landing by His Majestys Naval forces sent out for this purpose; they were fired into and compelled under a threat of a further use of force, again to put to sea.

In a debate on this subject, in the House of Lords, it was maintained by the members of His Majesty's Government, that the assembling and organization of these Portuguese subjects, although unarmed, in His Majesty's dominions, was a violation of their neutrality, in respect to Don Miguel; and that, in maintenance of their neutral relations, it was incumbent on the Government, not to permit these men, though unarmed, and sailing in Merchant Ships, thus to proceed, by direct route to their own country, but to dispatch a naval Force, to prevent their landing, even after reaching their own shores. The undersigned begs to adduce the following language held on that occasion by His Majesty's Secretary of State for Foreign Affairs, as he conceives some of the doctrines are applicable to the Mexican Frigates. "Since it could not, he apprehended, be doubted, that we "had a right to disperse these troops on their arrival in England, "and that moreover, we had a right to prevent their departure from "this country on a hostile expedition to any part of the Portuguese "Territory, the only question was, whether we had a right to prevent "them from doing that by fraud, which it was our duty to prevent "them from doing openly. If we had allowed them to do this, we "should indeed have acted in violation of the Law of nations. \* He "contended we were fully justified in doing that, which, if we had "not done, would have exposed His Majesty to a just cause for war." His Lordship also argued, that "the fact of these men sailing with "out arms, did not alter the character of the Expedition." The undersigned need not intimate to the Earl of Aberdeen, that, the ministry were sustained in these opinions, after mature consideration, by a large majority of the Lords in Parliament.

The undersigned would, therefore, respectfully submit, that the building, manning, and arming of the Mexican Steamer, Gaudalupe, in a British Port, was an infringement of its neutrality, agreeably to the Law of Nations, irrespective of its being a violation of British Municipal Law.

He would also submit, that the equipments of the Montezuma, not being for her accommodation as a merchant vessel, nor of a doubtful character, as applicable either to commerce or war, but being those of a vessel of war, from the furnishing of her model and plan of arming, previously to laying her keel, until her completion, an accurate interpretation of the obligations of neutrality, would bring her within a violation of them; even after her large guns, and military stores were relanded. The essential fact is, that the Montezuma is a vessel of war, and not a merchant vessel. In the "Terceira Affair," it was contended, by the British Ministry, that "the distinction between the Portuguese Troops being armed or unarmed, was perfectly untenable." The force of this argument being conceded; by parity of reasoning, the distinction of armed or unarmed is as little applicable to the Montezuma, as it was to the Portuguese subjects; inasmuch as her armament may be lawfully exported to be reshipped on the way, or to meet her, on her arrival at Vera Cruz.

The undersigned also submits, that, as it was deemed by the British Government, to be in conformity with its neutrality, not to allow the unarmed Portuguese subjects to proceed direct from England to their own Country, it would be *a fortiori*, imperative on the British Government to prevent the departure of British Seamen, to engage in hostilities against a country at peace with Great Britain. The number of men, provided it be greater than necessary for the navigation of a merchant vessel, does not affect the principle involved. It surely will not be contended that eighty seamen, and a gunner were necessary for the peaceful navigation of the Gaudalupe, as a merchant ship. The undersigned confidently trusts, that, Her Majesty's Government will not permit that to be accomplished by fraud, and a false "assurance", which they would not allow to be done openly.

The undersigned would respectfully submit whether it would not be proper for Her Majesty's Government agreeably to the course pursued in the "Terceira Affair", and as clearly coming within the principle then acted upon, to dispatch a naval force, or to employ such other means, as they may deem proper, to prevent the Gaudalupe and Montezuma, from committing hostilities against Texas, in contravention of that neutrality which Her Majesty's Government have determined to observe in the contest between Texas and Mexico.

Should the Gaudalupe and Montezuma commit spoliations on the Texian coast or on Texian commerce, the undersigned, respectfully submits, that a just claim would accrue to his country for compensation therefor upon Her Majesty's Government, in conformity to the principle upon which the United States of America, stipulated in their Treaty with Great Britain, anno 1794, to make compensation

for loss and damage sustained by captures which were made by  
"vessels originally armed in the Ports of the United States."

The Undersigned takes this occasion to renew to His Excellency  
the Earl of Aberdeen the assurances of his very high consideration.

Signed      ASHBEL SMITH.

[Oct. 10, 1842.]

His Excellency,

The EARL OF ABERDEEN—*etc. etc. etc.*

Extract from the order of the Lords of the Treasury for the release of the Montezuma.

"I am directed to acquaint you that my Lords are induced to believe that the parties have, as they allege, been led unintentionally into a violation of the Law, and as they have expressed their readiness to abandon the armament of the vessel, they are therefore pleased to authorise you to allow the vessel to proceed on the voyage, after the great guns and carriages now on board and the military stores connected with them shall have been relanded and the crew reduced to such a number as may be sufficient for the proper navigation of a vessel of such size and character if engaged in peaceful commerce."

ELLIOT TO TERRELL.<sup>a</sup>

GALVESTON October 31st 1842.

The Undersigned Her Britannic Majesty's Chargé d' Affaires to the Republic of Texas has the honor to acknowledge Mr. Terrell's note of the 16. Instant received yesterday.

In conformity with the President's wishes He has already endeavoured to convey to Her Majesty's Government the views and objects forming the subject of Mr. Terrell's note: But his own exposition was necessarily less comprehensive, and it is a relief to him that sentiments of so much moment to the interests of the Republic should be communicated in the express language of this Government. He is sure they will receive the attentive and friendly consideration of Her Majesty's Government; but whilst it would be unsuitable on his part to enter upon the general topics of Mr. Terrell's communication, He will beg to say a few words upon the revocation of the notice of blockade of the 26th. March last, incidentally mentioned at the close of Mr. Terrell's note.

The objections of Her Majesty's Government were directed against that particular character of hostility, under existing circumstances; and in pressing those views, adopted with reference to what appeared

<sup>a</sup>A. L. S.

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<sup>a</sup>A. L. S.

to Her Majesty's Government to be for the interests of Texas, as well as for those of their own Merchants, the Undersigned confined himself to an attempt to establish the inexpediency of the blockade, if it were enforced, and the undue consequences of the existence of a notification, as it was not enforced. It would have been unsuitable on his part either to submit any thing in recommendation of other modes of warfare, or to speak dissuasively of any course except that under consideration. But He did not fail to express to the President the hope that nothing that fell from him might have the effect of relaxing any measures which His Excellency might think necessary for the safety and advantage of the Republic.

To do what the President considered best for the interests and convenience of this Country, with just regard to the rights of neutrals, must of course have been the predominating motives, on the occasion of revoking the notice of blockade of the 26th March last. Her Majesty's Government could have neither wished nor expected that there should be any enfeeblement of such a principle in the reasoning which led to that measure. But whilst the undersigned cannot perceive that there has been any sacrifice of the advantages or convenience of Texas in the revocation of the notice of blockade of the 26th March, He is persuaded it will be cordially acknowledged by Her Majesty's Government that beyond other considerations there was also a spirit of very friendly readiness to accede to their recommendations and wishes.

He will immediately transmit Mr. Terrell's note to England, and pending the reply it is most gratifying to the undersigned to renew his assurances of the desire of Her Majesty's Government for an early and amicable adjustment of the difficulties between this Republic and Mexico: And He can add, with equal gratification, that every effort will be made to promote that object consistent with the preservation of the strictest neutrality between the contending parties.

He avails himself of this occasion to renew to Mr. Terrell the assurances of esteem and high consideration with which He has the honor to remain His faithful Servant

CHARLES ELLIOT

The Honorable

G. W. TERRELL

Attorney General

etc. etc. etc.

Washington on the Brazos.

ABERDEEN TO SMITH.<sup>a</sup>

<sup>a</sup> November 8, 1842. See Smith to Jones, December 30, 1842.

PETITION OF BEALES TO THE QUEEN OF GREAT BRITAIN.<sup>a</sup>


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HAMILTON TO HOUSTON.<sup>b</sup>

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HAMILTON TO JONES.<sup>c</sup>

(Private)

COLUMBUS, [GEORGIA,] Nov. 25th. 1842.

MY DEAR SIR,

I transmit you an official report of the proceedings I instituted whilst in England for the seizure of the Montezuma and Gaudaloupe. I saw enough, whilst I was in England, to satisfy myself, that, from the comparative insignificance of Texas in European estimation, with the immense interest which England has through the public debt of Mexico to her citizens, no beneficial results are likely to arise from her mediation, whilst I think the course of conduct pursued by her Majesty's Government, in relation to these two steamers, makes even her neutrality questionable. Under this view of the subject, with a view of exciting sympathy in the United States, it might be well to publish my official account to you; but this I submit entirely to the President's discretion. Having disposed of this point permit me to touch on one other topic of public interest.

First in reference to a pacification with Mexico. The letter marked (Private) to Genl. Houston in this package, relates to this subject. I have left it purposely unsealed that you may read it before handing it to him.<sup>d</sup> In passing through Washington, in a conversation which I held with Genl. Almonte and the President, I was perfectly satisfied, that if proper appliances were brought to bear on both of them, a pacification between Mexico and Texas could be affected. Through the instrumentality of my friends Mr. John C. Calhoun and Mr. Webster, acting on Almonte and the President, these appliances may be furnished. The salvo of a cession and a retrocession may I think be necessary to soothe the wounded pride of Mexico. She would not like to recognise your independence *in limine*, but treating exclusively with the United States, she might be disposed to do so in the last instance. But if this scheme should not be in accordance with the views and feelings of the President, I should be quite happy to receive his own suggestions, and if he

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<sup>a</sup> Undated, except for the year 1842. See Elliot to Jones, February 4, 1843.

<sup>b</sup> November 25, 1842. See Hamilton to Jones, marked "Private", of the same date.

<sup>c</sup> L. S.; apparently inclosed with the official letter of the same date.

<sup>d</sup> For this letter, Hamilton to Houston, November 25, 1842, see Jones to Van Zandt, December 25, 1842, in Correspondence with the United States, Part I.

feels inclined to employ my agency in the matter, they shall be most zealously enforced upon Mr. Calhoun and Mr. Webster, and lastly upon the President of the U. S.

I feel assured from the President's patriotic interest in the fate of his country, that he will permit no unkind feeling towards me to stand in the way of my rendering it at this crisis a most important service. I require neither compensation, nor any reward beyond the mere fact of being useful to a country, whose ruin would be my own. If you concur with me in these views, not one moment is to be lost. We must strike whilst the iron is hot; it is not every day that two such heads as Calhoun's and Webster's, can be zealously, powerfully and efficiently engaged in your service. It is one of those nice pieces of diplomacy which can be better done by a secret agent than by an accredited Minister. Suggest to the President the expediency of not saying a word on this subject to the English or French Chargés, or any person in the interest of either nation, as they would do all they possible<sup>a</sup> could to prevent it.

Some important business takes me down to Florida from this place, but I shall return to Charleston by Christmas and hold myself disposable to serve Texas by any means in my power. I have the<sup>b</sup> remain, my dear Sir,

With sincere Esteem Very Respectfully  
Your obt. Sert.

J HAMILTON

Direct to me at Charleston  
The Honble.

ANSON JONES

*Secty. State  
Texas*

HAMILTON TO JONES.<sup>c</sup>

COLUMBUS (, GEO.) Nov. 25th. 1842.

To the Honble. ANSON JONES,  
*Secretary of State of the  
Republic of Texas.*

SIR;

Believing that it may be interesting as well as important to your government to be made minutely acquainted with the seizure and subsequent liberation of the Mexican Steam Frigate Montezuma, I proceed to detail the facts of this case as briefly as possible, so far at least as my agency in the transact-

<sup>a</sup> Possibly.

<sup>b</sup> Here was omitted, perhaps, the words "honor to."

<sup>c</sup> L. S.; indorsed "Recd. 20th Decr 42."

On my reaching London on the 18th. of July last, I accidentally met a friend, who told me that a gentleman of high rank, and distinguished courage, boldness and enterprize, was desirous of making my acquaintance, and of communicating something of interest to me. An interview was accordingly arranged between us, when this gentleman informed me that there was fitting out at Blackwall a first rate Mexican War Steamer, which, if I was authorized, or if the Texian Minister was authorized to issue a letter of marque, he thought might easily be captured by fitting out an expedition for that purpose. I informed this gentleman, that I myself was not authorized to issue a letter of marque, as I had no official connection with your country at that time, but that I would write to the Texian Chargé D' Affairs, at Paris, requesting him to send me a commission to that effect. I accordingly addressed a letter to Mr. Ashbell Smith, your Chargé; and in the mean time the nobleman in question and myself made the preliminary arrangements for procuring one of the fastest iron steamers in the United Kingdom, with which we proposed, throwing an adequate crew on board of her, as soon as the Montezuma cleared the Channel, to lay her aboard, and carry her by Boarding pike and Cutlass. Unfortunately Mr. Smith communicated to us that he had no blank commissions of letters of marque and no authority to issue them. In this state of things as my friend, (as I may well call him) had no desire to render himself liable to the pains and penalties of piracy under the laws of his own country, we had to abandon this adventure. His Lordship however Suggested the possibility of making a legal capture of the Steamer under the Foreign Enlistment Act. He remarked that the circumstances of her fitting out and equipment were in such manifest violation of the Provisions of the Act in question, that he thought if I stationed at Blackwall a trustworthy and intelligent agent, sufficient proof might be obtained to ensure her seizure and condemnation. I accordingly consulted Mr. Saml. Amory of Throckmorton Street, London, an eminent solicitor, who had long been a very steadfast and most zealous friend of the Republic of Texas, and to whom she is under the most extensive obligations. Mr. Amory, after having heard a narrative of all the information, which the gentleman to whom I have referred afforded me, was decidedly of opinion that there would be no difficulty in obtaining proof sufficient to bring this vessel under the penalties of the act. I was fortunately able to procure an agent of intelligence, courage, and great decision of character to take post at Blackwall. He went on board the steamer frequently without exciting suspicion, became intimate with the petty officers of the frigate, and obtained the following information. 1st. That she was a war steamer of the most powerful class. 2dly. That the greater part of her Armament

and munitions of War had gone aboard or was daily going aboard, that she had a crew of 150 British Seamen, and was commanded by a Capt. Cleaveland, an officer said to be of very distinguished merit in his profession: and 3dly. That she was designed to act hostilely against Texas. As soon as this proof was collected, I repaired on the 12th. day of August with my solicitor, Mr. Amory, to Her Majesty's Commissioners of Customs, and formerly lodged information against the Agents, captain and crew of the Steamer, according to the provisions of the Act of Parliament. The Commissioners of Her Majesty's Customs, deeming the proof sufficient, ordered the seizure of the Steamer, and placed a Custom House Officer on board of her. After the lapse of a few days, I was informed by the searcher of her Majesty's Customs that the case had been carried, by appeal as I presume, before the Lords of the Treasury. After the lapse of eight or ten days, receiving no summons from the Lords of the Treasury to sustain the Allegations of the information, I had lodged with the Commissioners of the Customs, and believing that the statements of the Agents of the Mexican Government, Messrs. Lizardi & Co. were about to be received without my having any opportunity of rebutting them, I addressed a communication to their Lordships informing them that I was ready to prove the case in every particular. After the lapse of a fortnight more, to the surprize of every one, who had been made acquainted with the circumstances, the Lords of the Treasury directed the release of the steamer upon condition of her being disarmed, her armament being sent ashore, and her crew reduced to a commercial standard. But the extraordinary part of this decision was the ground upon which it was made Whilst they found that the agents, captain, and crew of the Montezuma had been guilty of a violation of the Foreign Enlistment Act, which rendered the condemnation of the vessel legally inevitable, yet they were pleased in their decree to declare that they believed that the said agents, captain and crew had *not intended to be guilty of such violation*, and hence they decreed the release of the Steamer. I felt it my duty to transmit the following memorial in the shape of a protest against the decision.

*To the Right Honble. the Lords of Her Majesty's Treasury.*

"**MY LORDS,**

" I should certainly as a mere private individual not venture to address your Lordships on a matter within your ministerial competency, if I did not in my relation as a public Informer against an infraction of an act of parliament, stand somewhat in public connection with the Administration of the Justice of Your Country."

"It is known to your Lordships that on the 9th. day of August last, I lodged information against the Mexican Steam Frigate Montezuma for a breach of the act of the 59th. George 3d. commonly called "The Foreign Enlistment Act."

"I will not recapitulate to your Lordships the testimony which I "lodged at the Customs in support of the information; because your "Lordships have found the Owners or agents of the said Frigate, "guilty. But I am advised nevertheless that your Lordships have "directed the said Steam Frigate to be released from her present de- "tention, because you believe that the owners, parties, and agents "were *unintentionally* guilty of a violation of the act in question; and "that you have instituted a sort of compromise between the penalties "for the offence under the said act of Parliament and the intention "of the parties, by allowing the said Frigate to go out after being "disburdened of her arms and munitions. My Lords, I join issue on "first the Allegation of the Matter of fact. And hereby solemnly "undertake to prove before your Lordships and in a court of Justice "if you will permit me to go into such a tribunal, that it was *clearly*, "manifestly, and *undeniably* the "intention" of the Owners and "Agents of the Montezuma Steam Frigate to violate the said Act "of Parliament; that they could not, "in point of fact, arm, equip "and furnish " said Steamer without such *intention*: and that the "same parties did not only equip and furnish, but actually did "mount the armament on board the Guadalupe, the consort of the "Montezuma, in the port of Liverpool, prior to her sailing, in the "month of July last, in the face of the positive refusal of Her "Majesty's Secretary of Foreign Affairs to permit such Armament, "a fact which furnishes the strongest corroboration of the *intentional* "guilt of the parties in arming, equipping and furnishing the Mon- "tezuma."

"I must moreover be permitted to remark to your Lordships, that "this compromise after the owners or agents had committed an of- "fence which renders their vessel liable to seizure and condemnation, "does not appear to find any warrant in the Act of Parliament "itself. They are either guilty or innocent; the vessel liable to con- "demnation, or not liable to condemnation. You have found them "guilty, and surely it is no part of the penalty that they may escape, "provided the munitions of war are taken out of this vessel, and "transshipped on board of another, to be reshipped the moment the "Steamer gets four Leagues from the Coast of England, an event "which will inevitably take place."

"Besides, my Lords, you do not by this transshipment alter the "character of the steamer. She remains with all her adaptation to "war. Her interior arrangement continues the same. Her accom-

"modations for her officers and crew, her slides for the pivot guns, "gun room and magazine unaltered. I submit to your lordships "whether under these circumstances a mere temporary separation of a "war vessel of this description from her armament is not a mockery "of Justice and whether this separation is contemplated by the Act; "more especially as it does not appear from your Lordship's proceed- "ings that, whilst you allow the vessel to escape, you mean to sub- "ject her munitions of war to condemnation."

"My Lords, although I appear before you as a common informer "in which character I am by the necessary implication of the Law, "yet I have been influenced in this proceeding by no sordid motives "of gain. I act alone on public considerations in behalf of a country "I have represented abroad; in whose fortunes I feel the deepest "interest. You have decided under a modification which amounts to "a mere nullity, to permit the means of the most destructive annoy- "ance to be used against a young country, whose independence has "been acknowledged by your own, united to you by the kindred of "blood, and the sympathies of a common origin. She is too feeble "in comparison with the immense power of Great Britain to do "aught else but submit to this decision of Her Majesty's Govern- "ment; but this cannot absolve your Government from a moral "responsibility for the consequences which may arise from a per- "mitted breach of your own laws, or likewise absolve it from the "force of that public opinion of the United States of America which "will give fresh acrimony and potency to the Quarrell between "Texas and Mexico. Texas has been willing to make peace with "Mexico on terms of the most perfect honor to both countries, and "with the most strict justice to your citizens, who are the public "creditors of Mexico. Texas fears no contest with the latter in "spite of the seemingly overwhelming superiority of their numbers. "She vanquishes the forces of Mexico wherever she meets them "whether by Sea or Land. But she is not prepared for a contest with "British capital employed in preparing the instruments of war, and "with British skill and valor in giving a fatal direction to these re- "sources, or to the still higher peril the moral disadvantage of the "apparently more favorable regards of Her Majesty's Government "to her enemy than herself."

"I therefore most earnestly pray your Lordships to review your "decision. It was made I am sure with no wish to do injustice be- "tween the parties. But it has nevertheless been made without "allowing either the Texian Envoy or myself to rebut the allegation "of the owners or agents of the Montezuma by the abundant proofs "we hold in our hands in confirmation of their guilt. I therefore "deny the allegation of the owners or agents of the Montezuma that

"they did not intend to violate the Act of Parliament, by offering "to prove that, from which intentions can alone be inferred, their "acts, precisely the converse To wit: That they did contemplate and "could have intended nothing else but to violate the act as their "object could alone be answered through such violation. I pray "your Lordships instantly to suspend your order for the release of "the Vessel, and allow the Texian Envoy and myself to go to proof."

"I have the honor to remain Very Respectfully "

"Your Lordships' Most obt. servt."

"J. HAMILTON."

I have every reason to believe that, if Sir Robert Peel and Lord Aberdeen had not been absent from London at the time, attending the Queen in her visit to Scotland, a decision so manifestly preposterous and unjust would not have been made. In the whole of this transaction I did not pretend to act as the accredited and official agent of your country, although in appearing in the character of a public informer, I acted throughout as its steadfast friend, in attempting the seizure and condemnation of a vessel which is perhaps likely to be the cause of such serious hostility and annoyance to you. In consequence however of the absence of Mr. Smith on important official duties at Paris, I addressed Lord Aberdeen a communication, during the pendency of the case, calling upon him most earnestly to cause the admiralty to direct the Officers of Her Majesty's Navy in the West Indian Seas to seize the Gaudaloupe, the consort of the Montezuma, wherever she might be found. This vessel left England about 10 days before my arrival. Hers was a far more flagrant case of the violation of the Act of Parliament, than that of the Montezuma, for she had left Liverpool with her armament all mounted, her Paixhan guns on their slides, with her munitions of war all on board, without the slightest concealment of her hostile character and destination. If I had been in time to have moved against this vessel, no indulgent disposition on the part of the British authorities could have prevented her condemnation. To my application, calling upon his Lordship to direct the detention and seizure of the Guadaloupe in the West Indian Seas, I received the following reply.

" FOREIGN OFFICE. August, 19th. 1842."

"SIR,

"I am directed by the Earl of Aberdeen to acknowledge the receipt of your letter of the 13th. instant, in which you request that "Her Majesty's Government will take measures, directing Her "Majesty's Senior Naval Officer on the Cuba Station to seize and "capture the "Gaudaloupe" Steamer, and to send her home for "adjudication. And I am to inform you in reply that vessels fitted

"out and armed for the purpose of being employed in the service of  
"a Foreign State, as the Gaudaloupe is alleged to have been, are,  
"by the Law of this Country (59 Geo: III, c. 69.) liable to be seized  
"in such places, and in such manner, and by such persons, as vessels  
"may be seized under the Laws of Customs, or under the Laws of  
"Trade and Navigation, but not otherwise; and as your letter leads  
"to the inference that the "Gaudaloupe" is not, at present, in a  
"situation in which she could have been seized for a breech of any of  
"these Laws, it is impossible to comply with your application.

"I am, Sir,

"Your Most Obedient  
"humble servant,

"H. W. ADDINGTON."

"Genl. HAMILTON."

Nothing daunted by this answer of his Lordship, on referring to the Foreign Enlistment Act, I discovered that the power of the Officers of Her Majesty's Navy, without the orders either of Her Majesty's Govt. or of the Admiralty were complete to seize and detain the vessel even if taken on the High Seas, and to send her home for Adjudication. I accordingly addressed the subjoined letter to the Senior Officer of Her Majesty's Navy on the Cuba Station. Unfortunately, however, before my letter reached the Havannah, the Guadaloupe was safely at anchor at Vera Cruz.

"LONDON, August 23d. 1842."

"(Private and confidential)

"SIR,

"Although I am unknown to you and you to me, yet I trust the nature of the information I give you, and the testimony with which the American Consul, Mr. Calhoun, and Mr. George Knight of the Havanah can afford you of my character, will justify your reposing confidence in my statements. Whilst the important and valuable character of the information I give you, will be my apology for making you this communication."

"A war steamer called the Gaudaloupe sailed about three weeks since from Liverpool. She was built at that port for the Mexican Government, and intended to act against the Republic of Texas, with whom her Majesty's Government is at peace. The agents of the vessel, Lizardi & Co. and the Mexican Minister here applied to Her Majesty's Government to arm the said Vessel, which was refused, as will appear from the Note of the Texian Minister to myself, marked A. Notwithstanding this refusal and in violation of the Foreign Enlistment Act of George the Third, marked B, (which I enclose you) she was armed to the teeth before she left the Mersey. her Paixhan guns on their slides, and the other guns

"mounted, with a full crew enlisted and commanded by Capt. Charleywood of the Royal Navy. This intelligence did not reach London until she sailed, otherwise I would have instituted proceedings against her here, by which she would have been stopped and ultimately condemned. I enclose you Mr. F. B. Ogden's affidavit, marked C,<sup>a</sup> late American Consul at Liverpool, setting forth the facts of this audacious violation of the Act of Parliament by this Steamer."

"She cleared for Corunna and the Havannah, at which latter place she will doubtless rendezvous, and wait the arrival of her Consort, the Montezuma, which has been fitted out at Blackwall. But since the sailing of the Gaudaloupe, I have lodged information against the Montezuma, and she has been seized by order of the Commissioners of the Customs. Now although the Gaudaloupe has passed beyond the jurisdiction of Her Majesty's Customs she has not passed beyond the power of Her Majesty's Naval Officers. She is a good prize wherever you may find her, for violating the Foreign Enlistment Act. But I submit, whether it would be well to make the capture until she pass the Moro Castle for fear of the interference of the Spanish Authorities. After the capture is made, it would, I think, be best to take her to Jamaica for adjudication or to send her home. The testimony against her will be found in abundance on board. But at Liverpool there will be no difficulty in sustaining Mr. Ogden's affidavit, and even in going very far beyond it. She cost £80,000—a bona fide valuable and sure prize, if you strike at once. *Keep however your own counsels* until the Steamer makes her appearance, and you have completed your arrangements to take possession of her.

"I remain with great respect,

"Your most obt. servt.

"J. HAMILTON."

"To the Senior Officer of

"Her Majesty's Navy at the

"Havannah, Island of Cuba."

"P. S. I ought to have added that the Guadaloupe being armed is legal capture under the act, without she can shew a permission to arm under the privy seal (see the 2d. section of the Foreign Enlistment Act.) Direct your reply to General James Hamilton, Charleston S. C. late Minister of the Republic of Texas to Her Britannic Majesty, and put it on board the U. S. Mail Schooner Hayne. I leave for the U. S. via Halifax and Boston on the 19th. Sept. I have kept this packet open until the 1st. Sept. to get the

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<sup>a</sup> No copies of inclosures A, B, and C are filed with this letter. The Foreign Enlistment Act was 59 George III, c. 69.

"letter of the Texian Minister marked A herewith enclosed, but for "obvious considerations of policy and propriety, he is not acquainted "with the contents of this letter or the fact of my having written "you."

Thus have ended fruitlessly the efforts I have made for the capture of these two vessels. They were not however entirely unavailing, as the Montezuma was detained upwards of six weeks in a British port, and may have been seriously crippled by her disarming.

It is due to your Chargé D'Affairs Mr. Smith that I should say that the moment I communicated to him the fact of the seizure I had made of the Montezuma, he promptly repaired to London and endeavoured by the most strenuous and able exertions to make it effectual. His communications with Lord Aberdeen, as you are well aware, were frequent, pertinent, spirited yet respectful, and his conduct entitles him to the confidence and approbation of your Government.

I fear in the narrative of these facts, you will have to recognise a truth which is incontestibly borne out by History, that Nations have rather to depend for their own security and defence, on their own means and exertions than on the justice so reluctantly dispensed by parties, who stand very often in the equivocal relation of neutrality. This decision at least has one very important bearing. What is a principle of public law in Downing Street, is also, I presume, a principle of public law at Washington. It seems, by the decision of the Lords of the Treasury in the case of the Montezuma, that a party has nothing to do, but to alledge that "he did not intend to violate the neutrality of a country," to be exempt from the penalties of the law, enacted for its preservation. This will be a case worth quoting, when the clarion shall summon your brethren and kindred on this side the Sabine to the Rescue.

From all the events which occurred in relation to these steamers, whilst I was in England, I am constrained to believe that you must prepare for the active hostility of Mexico early in the ensuing spring, unless averted by the prompt and friendly interposition of the United States. Place no confidence on the mediation of the European Powers. They are too distant from the scene of action to feel much interest in your struggle. Depend on yourselves. After a close and anxious observation of public sentiment in Europe; with my own hopes and expectations so frequently baffled, my warning to you is in one word, Be armed to the teeth and Ready. I have the honor to remain,

Very Respectfully  
Your obt. servt.

J HAMILTON

TERRELL TO ELLIOT.

WASHINGTON Decr 3rd 1842

The Honble

CHARLES ELLIOT

*Charge d'Affaires of Her Britanic Majesty etc. etc.*

The undersigned, in discharge of the duties of Secretary of State etc. has the honour to acknowledge the receipt of Captain Elliot's note of Octr 31st. and begs his indulgence for the delay which has occurred in answering it—which has grown out of the absence of the undersigned, for several weeks past, from the seat of Government.

I am instructed by His Excellency the President to convey to Capt. Elliot the acknowledgments of this Govt. for the promptness with which the representative of Her Britanac Majesty, has transmitted to his Government the views and wishes of Texas on the very important subject which formed the substance of the letter of the undersigned of 15th Octr. as also for the very cordial and friendly disposition evinced by Her Majesty's representative in having previously brought the subject to the consideration of his Government.

It is a source of sincere regret to the undersigned that any portion of his letter should have been subject to misconstruction, as he apprehends that on the subject of the revocation of the Proclamation of Blockade by this Government against Mexico, has been.

It was not the intention of the undersigned to create the impression that this Government had receded from that measure *merely to gratify* those powers who had remonstrated against it, without any representations of the *impropriety* or *inexpediency* of the measure itself. Nor did the authorities of this Government at any time understand the representative of Her Britanic Majesty to urge its revocation upon that, or any other ground incompatible with the interests or the dignity of the Texan Nation. His arguments were understood as directed alone against the *impropriety* of the measure under the *existing circumstances* of the case. The acquiescence of the Government of Texas in the recommendation of the powers mentioned, was referred to by the undersigned with the sole view of evincing the disposition of the Government to give due weight and consideration to the opinions and representations of those powers.

The subject however, was only incidentally mentioned in the letter of the undersigned, as evincive of the friendship and confidence reposed by the Government in those powers, and may have been done without due consideration of the import of the language used in reference to it.

The impression does not exist on the part of this Government that that of Her Britanic Majesty would ask, or even wish Texas to yield

any principle, or forego any advantage she may have acquired over her enemy. On the contrary the President is, and ever has been fully impressed with the belief that Her Majesty's Government has, at all times, acted in good faith towards the two countries—that all their professions of neutrality have been sincere, and will be carried out without bias or detriment to either party. And that her Government desire the amicable and speedy adjustment of the very unpleasant state of things now existing between the two countries, and will use their best efforts to terminate them, he has the most abiding confidence.

The undersigned avails himself of the occasion to renew to Capt Elliot assurances of the distinguished regard with which he has the honour to be, his obdt Servt.

G. W. TERRELL  
*Atty Genl. and Acting Secretary of State*

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TERRELL TO SMITH.

DEPARTMENT OF STATE,  
Washington, Decr. 7th., 1842.

To Hon. ASHBEL SMITH,

*Chargé d' Affaires of Texas, etc.*

SIR,

Your several despatches, Nos. 22, 23, 24 and 25, have just been received at this Department. The information which they transmit is of a highly interesting character and of great moment to the welfare of the Republic.

It is a source of the most sincere regret that Mexico is so lost to a sense of her own best interests—so destitute of every sentiment of magnanimity and every feeling of humanity as to reject the proffered mediation of such nations as have tendered their friendly offices to arrest the unnatural, inhumane and fruitless war which she still seems determined to wage against Texas.

If she will, however, in spite of the warnings of experience—infatuated by a blind desire to retrieve lost honor, and maddened by a vicious spirit of revenge, rush headlong upon her own destruction—be it so. Upon her own head, and those of her perverse rulers, rest the consequences. Texas will be prepared to meet the crisis. Relying upon the justness of the principles for which she contends, and confiding in the favor of Him who rules the destines of nations, she will abide the result.

Your correspondence with Her Britannic Majesty's Secretary of State for Foreign Affairs, on the subject of the War Steamers built in England for the use of Mexico, meets the highest approbation of

the President, with the exception of the intimation contained in one of your notes, of the belief that the conduct of the British Government was *designed* to aid Mexico to the *detriment* of Texas. The President is fully satisfied of the good feelings and wishes of the British Government towards Texas, and has the fullest confidence that she will maintain her neutrality in good faith; and that she will not afford to either party any facilities which she would not, under similar circumstances, cheerfully extend to the other.

His Excellency instructs me to say to you, and he wishes you to make known to Her Majesty's Government, that he looks upon the conduct of General Hamilton, with regard to those steamers, as a gratuitous interference in the business of the duly authorised agent of this Government; that General Hamilton holds no office or agency of any character under the Government, and has no official connection with it whatever: And that his deportment evinces an impropriety and a want of delicacy, which he deems highly censurable. And further, he wishes you to give to Her Majesty's Ministers the assurance, that in the opinion of this Government, the conduct of those persons employed in this transaction by General Hamilton, manifests so total a want of all those elevated motives which should govern a transaction of this character, and betrays [such] a grossness of sentiment and a sordidness of purpose as deserve the most decided reprehension.

The President has received a letter from General Hamilton, in which that Gentleman proposes (if the President will authorise him) to enter into a secret negotiation with General Almonte, Minister from Mexico to the United States, with whom he had already opened a correspondence, upon the subject of the difficulties between this country and Mexico. This, also, His Excellency regards as an officious intermeddling in the affairs of this Government, and grossly indelicate in a Gentleman in his situation, and desires that you will inform the British Cabinet that no such authority will be given, nor any such interference tolerated by this Government. Having every confidence that everything that can will be done by those Powers who have tendered their friendly mediation, no other means will be resorted to by this Government to bring about an amicable adjustment of our difficulties with Mexico.

And for this, as well as any other subject in which General Hamilton may think proper to interfere as an agent of Texas, you are desired to enter a disclaimer *in advance* on the part of this Government. A copy of so much of this letter as relates to this subject, will be forwarded to General Hamilton.

The President after mature deliberation upon the subject, has concluded to withhold the authority to grant letters of marque, etc., under

an apprehension that it would involve us in difficulties, which would, in all probability, more than countervail all the advantages likely to accrue to this Government.

You remark in several of your late despatches, that you are without information from this Department. This is somewhat singular, and I know not how to account for the miscarriage of so many documents. All your former despatches have been regularly answered. It is hoped they may yet come to hand.

Please present my kindest regards to Mr. Saligny.

I have the honor to be, with much respect, your obedt. Servt.,

G. W. TERRELL

*Attorney General,  
and Acting Secretary of State.*

SMITH TO ABERDEEN.<sup>a</sup>

SMITH TO ABERDEEN.<sup>b</sup>

ELLIOT TO TERRELL.<sup>c</sup>

GALVESTON December 13th. 1842.

The Undersigned, Her Britannic Majesty's Chargé d'Affaires to the Republic of Texas has the honor to request Mr. Terrell's attention to a communication which He addressed to Mr. Anson Jones on the 26th. September last, claiming the settlement of certain losses sustained by British Subjects in the year 1837, by the detention of the Barque "Eliza Russell", and by the condemnation of certain British property, captured in the Mexican Schooner "Abispa", as also of certain other British property, taken away by the Boats of the Texian armed schooners "Brutus" and "Invincible", the whole forming part of the Cargo of the British Schooner "Little Pen" cast away on the Alacranes Shoal.

Referring to a conversation which He had with Mr. Terrell when He had the pleasure of seeing him at Washington, respecting the case of the "Little Pen" He would now observe, that He has examined his papers, and will therefore beg leave to resume the subject. But before He enters upon that topic, it is incumbent upon him to advert to the fact that no payment has yet been made upon account of the "Eliza Russell" agreeably to the resolution of Congress of January

<sup>a</sup> December 10, 1842. See Smith to Jones, December 30, 1842.

<sup>b</sup> December 12, 1842. See Smith to Jones, December 30, 1842.

<sup>c</sup> A. L. S.

1840. Whilst the Undersigned is fully aware of the President's great anxiety to fulfil all the obligations of the Government, and that the state of the Treasury has been the only obstacle in this particular case, still He must say that the subject has been pressed in such urgent terms by Her Majesty's Government, (no doubt exposed to frequent and pressing solicitation by the parties concerned in England) and the claim itself is so very forcible, and of such long standing, that it is his duty strenuously to request that it may be settled without any further delay.

In turning to the case of the "Little Pen" He has in the first place to thank Mr. Terrell for shewing him his opinion upon the claim put forward by the agent of Mess. Lizardi and Co, some short time before He arrived in this Country; and He should be wanting in corresponding frankness if He omitted to acknowledge that the case so stated and supported, seemed to present some difficulty. Upon the whole, therefore, He believes that He shall most satisfactorily discharge the task imposed upon him by a brief recapitulation of the circumstances, as He finds them laid and maintained in the papers before him, and He will then offer some remarks which He hopes may have the effect of removing the legal difficulties Mr. Terrell had found against advising the Government to admit the claim. The Undersigned has said the legal difficulties, because (leaving technical requirements out of the question) He apprehends that there could be no doubt in Mr. Terrell's mind upon the substantial facts that the property condemned was taken out of the Schooner "Little Pen", that the Schooner "Little Pen" was bona fide a British vessel, and that Mess Lizardi and Co were entitled to be considered British Claimants.

Mr. Terrell prefaced his opinion by observing, that so far as He knew, the claim had not been put forward on the part of the British Government. The Undersigned, referring to his papers, would beg to observe that there has been some misapprehension in this respect. But at all events, that point is no longer material. Any difficulty in that particular, has been removed by the claim which the Undersigned has put forward by the Command of His Government, and the case therefore has now fallen within the description of "public claims", to be considered and adjusted agreeably to the rules and practice of international intercourse, and public Law.

Mr Terrell's opinion was also prefaced by another remark to the appropriateness of which the Undersigned could not but offer his full assent. It was said that the papers which accompanied the claim presented on the part of Mess. Lizardi & Co contained most offensive terms, of themselves rendering it impossible for this Government to entertain a case so put forward, such as the pirate schoon-

ers of Texas, and the like. The Undersigned considers it due to Messrs Lizardi & Co to state that they are not responsible for this unwarrantable language. He finds by the papers before him that it is the language of the Captain of the Port, and Notary Public at Campeché: And Mr. Terrell, remembering that Campeché was at that time in the Republic of Mexico, and mindful of the hostile feelings of the authorities of that Country will neither be surprised at harsh terms, nor let them remain matter of imputation against Mess Lizardi and Co.

The case which the Undersigned has to put forward upon the part of Her Majesty's Government respecting the Cargo of the "Little Pen" is this.

The British Schooner "Little Pen" David Pugh Master, was chartered in the month of April 1837, by the partners of Mess Lizardi & Co for a voyage from Liverpool to the Port of Tabasco, in Yucatan. She sailed from England on the 3d, May, same year, and pursued her voyage in safety till the 26th. June, when she struck the Alacranes Shoal off the Coast of Yucatan. The Master, unable to heave her off sent his boat to Campeché for assistance, and the Mexican authorities there, conjointly with the agents of the Consignees, despatched the Mexican Schooners, "Paz" Captain Vens-towar,<sup>a</sup> and "Abispa" Captain Ramirez to afford all practicable aid. On reaching the shoal these two schooners were loaded with Cargo saved out of the "Little Pen" and the "Paz" was despatched to Campeché, and arrived there in safety. But the "Abispa" which had been last loaded; when about leaving the wreck was captured by the Texian armed schooners "Brutus" and "Invincible" and sent to Matagorda as prize, where the hull and Cargo were condemned.

The Master Pugh further alleged that the Boats of the Texian Schooners were sent on board the "Little Pen", and that what remained of her Cargo was taken out of her and carried on board of those vessels.

The Undersigned finds from the papers in his hands, that the Government of Texas could detect no proof of the taking away of the Cargo remaining on board the "Little Pen" by the Boats of the Schooners "Brutus" and "Invincible". Mr. Terrell will feel that that He would not offer an opinion that this Government had not been fully informed in that particular, without great circumspection, but He is bound in Candour to say that He believes that has been the case, and that the statement of the British Master upon that point is entitled to credit.

<sup>a</sup>This name is uncertain. Elliot does not write it clearly. In *Report of House Committee on Foreign Relations*, 4th Tex. Cong., p. 15, it is printed "Vanstoveren"; but this report is utterly unreliable as to the spelling of proper names.

The Undersigned forwards herewith attested copies of invoices of goods shipped on board of the "Little Pen" at Liverpool, and a specification of the Cargo for purposes of Insurance which was duly effected at Lloyd's Coffee House in London, upon the sum of £5100. He also forwards an account of sale of the goods landed at Campech<sup>e</sup> from the Schooner "Paz" disposed of there for account of the Underwriters, and others interested, the proceeds being duly remitted to England. From all which it will appear that no more than the sum of £1443. 9s. 5d. has been saved of the whole Cargo of the "Little Pen" amounting to nearly £5000.<sup>a</sup>

Mr. Terrell's chief difficulty, in the shape that the case found its way before him (namely, the claim of a foreign private Individual for redress against the decision of the Admiralty Court at Mata-gorda) seems to have been founded on the failure of sufficient legal proof that the property was British, that is to say, proof of the kind required by the Admiralty Courts of this Country, or Mutatis Mutandis, the Admiralty Courts of Great Britain, governed by the same rules of Law. The papers, it was said, shewed that the Cargo was shipped by a firm known to have a Mercantile Establishment in the Republic of Mexico, and assigned to a Don Pedro Sastro; not a British name.

It is to be remarked here that the case under consideration is no longer one of appeal of a private Individual against the decision of a Court of Admiralty, but the claim of one Government upon another, and mainly determinable therefore either way upon principle; always however, conceding that it is necessary to establish satisfactorily that the particular facts fall within the application of an admitted rule of public Law:

This reflection brings the Undersigned to the remark that the principles with respect to domicile and hostile character noticed by Mr. Terrell, however sound of themselves, do not appear to him to be applicable to the case in question. Those principles and rules would no doubt have to be borne in mind, and the case tested by them, if this had been a case of Mexican produce, shipped in a Mexican Port, by a Mercantile Establishment carrying on business in Mexico, but they can have no bearing upon a claim for British produce, shipped in a British vessel in a British Port, by a Commercial Establishment, settled and carrying on business in Great Britain, and the claim now made upon the part of Her Majesty's Government is a conclusive certificate that this Cargo of British produce shipped under all this accumulated evidence of a British transaction was purely for British account.

<sup>a</sup> The documents referred to are all on file with Elliot's letter; but they are very lengthy and it is not thought desirable to print them.

But, in conclusion, the Undersigned would beg to remind Mr. Terrell that this particular case of seizure of Cargo and condemnation, could have derived no additional force if Mess. Lizardi & Co and his partners residing in Great Britain had all been Citizens of the Republic of Mexico, instead of denizens, or Subjects of Great Britain, for it is a rule of public Law that the subjects or Citizens of a Belligerent State, residing or maintaining a Commercial Establishment amongst neutrals, are to be deemed neutrals, both by the neutral Government, and by the adverse Belligerent, with reference as well to the trade which they may carry on with the adverse Belligerent, as to their trade with all the rest of the world.

The Undersigned hopes that this explanation and these papers will be satisfactory to the Government of the Republic, and that there will be no further difficulty in adjusting the claim which He put forward on the part of Her Majesty's Government, respecting the "Little Pen" in his note of the 26th. September; neither can He omit to add his conviction, that there has always been every disposition to consider and determine this case in a spirit of friendliness and justice, as soon as it should be laid upon clear grounds.

He takes this occasion to renew to Mr. Terrell, the expression of esteem and high consideration with which He has the honor to remain

His faithful Servant

CHARLES ELLIOT.

To

The Honorable

G. W. TERRELL

etc. etc. etc.

Washington.

JONES TO HOUSTON.

DEPT OF STATE

WASHINGTON Dec 24th. 1842

To His Excellency

SAM HOUSTON

*President of the Republic of Texas*

SIR,

I have the honor to enclose you herewith, the copy of a letter received at this Department, from the Hon. Charles Elliott her Britannick Majesty's Charge d'Affaires to this Government in relation to certain claims for Lands by Messrs: Cotesworth & Pryor, George O'. Gorman<sup>a</sup> and D. E. Egerton, as Empresario contractors,

<sup>a</sup> O'Gorman. See Elliot to Terrell, September 30, 1842.

in order that it may be submitted to the consideration of Congress, and receive such action there, as the justice or propriety of the Claim may seem, in wisdom to require

I have the honor to be

with the highest respect

Your Most Obt. Svt

(Signed)

ANSON JONES

JONES TO ELLIOT.

DEPARTMENT OF STATE

WASHINGTON Decr. 24th 1842

The Undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt on the 22d. Inst. of the note of Mr. Elliot Her Britannick Majesty's Chargé d'Affaires, addressed by him to Mr. Terrell on the 13th. of Decr. Instant.

The letter of Mr. Elliot addressed to the Undersigned on the 26th of Septr. last having reference to the subjects embraced in the note above mentioned, as well as his letter of the 30th. of that month, on the subject of certain claims for Lands in the Republic of Texas, by British citizens, have also been received at this Department. These letters should have met with an earlier attention, but the absence of the Undersigned from the Seat of Government for some time, after their reception, and the accumulation of business consequent, upon that absence, as well as upon the meeting of Congress, will it is hoped, be received by Mr. Elliot as a reason for the delay which has occurred.

In relation to the amount of indemnity claimed by Mr. Joseph Russell on account of the detention of his vessel the "Eliza Russell" the Undersigned is instructed to say to Mr. Elliot that the President very much regrets the condition of the Treasury, renders it impossible for him to comply with the request of Mr. Elliot, for immediate payment into his hands of the amount, of indemnity specified in the act of Congress of Jan. 1840 but that no further delay will be permitted in this matter than unavoidable circumstances render necessary.

\* \* \* \* \*

The Undersigned, wishing to avail himself of certain documents in relation to the claim of Messrs F De Lizardi and Company for the capture of the "Apispa" and for property alledged to have been taken from the wreck of the "Little Penn" on the Alacranes Shoal, for the purpose of being enabled more fully, to explain to Mr. Elliot circumstances and facts connected with that claim, information of

<sup>a</sup> For the matter omitted, see Calendar under the title of this letter.

which has been procured by this government, or brought to its knowledge; which documents are now at the city of Austin, will, so soon as he can procure them, have the honor to address Mr. Elliot fully, and he hopes satisfactorily on this subject

The Undersigned embraces with great pleasure this first occasion of official intercourse to tender Mr. Elliot the assurances of his highest consideration

(Signed) ANSON JONES

To CHARLES ELLIOT Esq  
*Charge d'Affaires  
of Her Majesty  
etc. etc. etc.*

SMITH TO RATE.<sup>a</sup>

SMITH TO JONES.<sup>b</sup>

31

LEGATION OF TEXAS, PARIS

December 30. 1842

Hon ANSON JONES

*Secretary of State*

SIR,

I have the honor herewith to transmit to your Department, copies of two notes concerning the Anglo-Mexican Steamers, the Guadalupe and Montezuma;—one from Lord Aberdeen dated the 8th November, in reply to my Note of the 10th October;—the other from me to Lord Aberdeen, in reply to his last and dated the 12th December. Lord Aberdeen's last note is written with some tartness, as you will perceive; I have no reason however to suppose that my notes have given any offence. You are aware from my former despatches, that this subject not merely in reference to Texas but also in its connexions with the Mexican Agents and Mexican Interests in Great Britain, has occasioned the ministry a good deal of annoyance; and they are sincerely tired of it. Accordingly in my last note, I have sedulously avoided the introduction of any new matter or of any remarks calculated to provoke further discussion, except what was merely necessary to vindicate Texas from the charges of Lord Aberdeen touching our conduct within the territories of the United States. It would have been very pertinent to the case to have appealed to the

<sup>a</sup> December 24, 1842. See Smith to Jones, December 30, 1842.

<sup>b</sup> A. L. S.

answer given by Mr Forsyth to Mr Fox the 5th of January 1838,<sup>a</sup> on the representations of the latter gentleman in relation to hostile expeditions fitting out in the United States against the British Authorities in Canada, and to the subsequent action of the American Congress in view of these operations. I had insisted on this case in a conversation with Lord Aberdeen; and as nothing more appeared likely to be gained by further argument, I deemed it advisable to restrict myself in my last note chiefly to the vindication of our country from the imputations of the Earl of Aberdeen. The correspondence on this subject probably, is now virtually closed.

It is true that the detention of the Steamers has not been accomplished; but this discussion has attracted some notice and will prevent the repetition of such measures by the Mexican Interest in England; and what is of still more consequence, the English Government are rendered *more solicitous* that the steamers in question shall not be employed against Texas.

It has been to me a source of high satisfaction to find in the Despatches from your Department of the 20th August the declaration of the doctrines of International Law in regard to these Steamers which I have maintained in my correspondence with Lord Aberdeen.

I also transmit herewith a copy of my Note to the Earl of Aberdeen dated the 10th December communicating the Proclamation of His Excellency the President revoking the Blockade of Mexico.

The West India Royal Mail Steamers belong to a private Company in England, though largely aided and to some extent controled by that Government. The consent of the Company is therefore necessary to make an arrangement for their touching at Galveston. As being the best course I could pursue on this subject, I have written to our Consul General at London to try to effect such an arrangement. The commercial and business connections of his house will enable him to act efficiently with the company, and being now duly gazetted as Consul General, he will be aided by his official character in his intercourse both with the Company and with the Government. This Company you are probably aware has within a few months greatly contracted the extent of their operations. They may therefore hesitate to extend their line in a new direction. If they can be induced to do so, I am confident this affair could not be placed in more *efficient* hands than those of our Consul General.

I observed a short time since that a large quantity of books, maps etc., etc., had been transmitted to the United States, by the Chamber of Peers, the Chamber of Deputies, the Departments of the Interior,

<sup>a</sup> See Richardson, *Messages and Papers of the Presidents*, III, 404.

of War, of Marine, of Commerce, by the Academy of Moral Sciences, the Museum of Natural History and the Royal School of Mines, in return for some books presented to these bodies. Permit me to suggest, that were copies of the Laws and Journals of Texas presented to these bodies, they would be received in very good part; and I may add, that the compliment would probably be reciprocated by a presentation of books etc., etc., which would form a valuable addition to our National Library. To the above bodies, let me add a Copy for the private library of His Majesty.

Several copies of our Laws and Journals were entrusted to me by your Department at the time of my leaving Texas, for the use of the Texian Legations and Consulates in Europe. They were carefully packed up and given in New Orleans to Mr Edmunds our Consul, to be transmitted direct to Havre. The box also contained numerous important documents, besides a collection of very valuable books which were my private property. I have been unable to get any intelligence of the box, nor have I heard a word from Mr Edmunds on the subject. May I request your Department to cause inquiries to be made for the box in question, by the present Consul at New Orleans, and if not found, to transmit to me other sets of the Laws and Journals,—adding, should my suggestion be approved, copies for presentation to the Parties above named.

Previously to leaving Texas, I made proper arrangements as I imagined, to receive several Texian Newspapers; not one however has reached me. The Telegraph containing His Excellency's "Proclamation,"<sup>a</sup> forwarded to me by the State Department came safely to hand. These papers would furnish me important information, and the Journals here would be pleased to obtain authentic news and facts in relation to Texas and thus attention wòuld be attracted to our Country. I think this consideration possesses considerable importance. The Telegraph indorsed "State Department" would probably reach me.

Mr Castro, I am informed, is at Havre sending forward a second body of Emigrants. I have not had the means of communicating with them; I am assured however that they are an excellent class of men, that is that they are industrious farmers from the *country* and possess moderate means. I have deemed it my duty to state to Mr Castro with great explicitness, the condition of our country at this time, and especially of that portion where the "concession" is situated. I have also enjoined on him urgently the necessity of there being some competent person who should direct these colonists on their arrival and supervise their operations. Mr Castro is unwilling

<sup>a</sup>The proclamation referred to is probably that of Houston, dated September 12, revoking the blockade of Mexican ports. See *Telegraph and Texas Register*, September 14, 1842.

to let the period fixed by the contract elapse without fulfilling his part, and he appears moreover to think that having commenced his operations he could not suspend them without endangering their success; and he anticipates that the Government will appropriate a region of land for these emigrants in some secure portion of the Republic. The importance of a favorable account of our country by Emigrants now going out can scarcely fail to be duly appreciated by the Government, in reference to future emigration. If the reports be favorable, crowds of a good character will flock to Texas.

Monsieur Bourgeois informs me he is preparing to send forward a body of Emigrants the ensuing season in conformity with his contract.

I would respectfully suggest to the Government in view of future contracts, that 320 acres is too large a quantity for an European emigrant. The land is suspected not to be valuable from its quantity. One hundred acres would be more highly prized; and the same amount viz 100 acres or 200 acres might be accorded to the Contractor in lieu of 320 acres.

In my next despatch I shall recommend the appointment of a Consul General for France—a person of high social and financial position and of very friendly political relations with this Government. I cannot recommend Mr. Barbey as a proper person for reappointment as Consul.

The meeting of the French Chambers will shortly take place. The ministry of Monsieur Guizot will be violently assailed. The result cannot be clearly foreseen; though I incline to the opinion that Mr Guizot will maintain his position. "The right of visit" and the French Treaties with England of 1831 and 1833 will be the rallying subject of opposition. The abolition of these treaties will be demanded. The "right of visit" is deemed very generally here to be unnecessary, insufficient and leading to continual misunderstandings. The recent treaty between England and the United States and other circumstances have given force to the opponents of the "right of visit". Texas has conceded this "right" to the English Marine, and though it has now no practical effect for Texas, it would assume a grave importance were Texas to become a considerable commercial Power; and the issue of the question now pending between France and England has much interest for our country..

Various circumstances which need not be detailed have contributed within the last few years to throw much discredit in Europe upon our country. The Santa Fe Expedition destroyed the high prestige of our valour which formerly existed. It is but just too, to add that the extreme discredit of the U. States Government has been visited upon Texas. I have the satisfaction however to state that a much better appreciation of our country is taking place in a noticeable manner. Probably some little vexation is still felt by the French

Ministry in consequence of the unfortunate misunderstandings with their late Chargé d' Affaires, but so far as I can judge, a very real good feeling exists towards Texas on the part of the French Government.

I have the honor to be  
very respectfully  
your most obedient servant

ASHBEL SMITH

The Earl of Aberdeen to Ashbel Smith.

The Undersigned Her Majesty's Principal Secretary of State for Foreign Affairs has the honor to acknowledge the receipt of the note which Mr Ashbel Smith, Chargé d' Affaires of Texas addressed to him on the 10th Instant, in reply to that of the Undersigned dated the 27th Ultimo, relative to the release of the steam vessel Montezuma from the detention to which she had been subjected by the Custom House Authorities. In replying to Mr Smith, the undersigned does not propose to enter into a lengthened and intricate argument on the rights of neutrality as established by the Law of Nations and illustrated in Mr Smiths Note by a reference to the proceedings which took place between Great Britain and the United States in 1793. As little does the Undersigned think it expedient to enter into a discussion with Mr Smith respecting the transaction which he denominates "The Terceira Affair", between which and the case of the two Steam vessels 'Guadalupe' and 'Montezuma' the Undersigned is unable to perceive the slightest analogy. The one was a case of Foreign Troops attempting to organize themselves in England and to levy war from English Territory on a Foreign Country with which England was at peace and in strict alliance; while the other is a case of two vessels built and fitted out by a private merchant as a mercantile speculation; the question respecting them being simply whether that merchant in so doing had or had not contravened the Foreign Enlistment Act. The two questions are in every point so entirely dissimilar that the Undersigned deems it quite superfluous to make further reference to the one as in any way bearing on the other. But setting aside such arguments which in the conception of the Undersigned rather serve to display the ingenuity of the disputants than to bring the question discussed to any useful practical issue, the Undersigned prefers by reference to facts to place the conduct of Her Majesty's Government with regard to Texas in so clear and indisputable a light as to show that however it may be attempted to prove that they have favored Mexico in the matter of the two steamers Guadalupe and Monte-

zuma to the prejudice of Texas, they have in reality not only acted, generally a strictly neutral part between those two countries, but that their whole proceedings, especially since the final ratification of the Treaties between Great Britain and Texas, prove them to have been animated by the most friendly and liberal spirit towards Texas.

The Undersigned will call to the recollection of Mr Smith that it was some time prior to the ratification of the Treaties that application was made to Her Majesty's Government by Messrs Lizardi for permission to arm the two steamers above mentioned as private property, until they should have arrived at Vera Cruz. Had Great Britain been hostilely disposed towards Texas, that permission might undoubtedly have been given. The speculation was a private one, Mexico needed not to appear in the matter; and finally Great Britain was as yet in no way bound to Texas whose existence as an Independent Power she had not finally recognized. Great Britain was not however disposed to injure Texas or to favor Mexico; and the permission sought for was not granted. But although Her Majesty's Government were determined to act a decidedly neutral part between both countries and even a friendly part towards Texas, they were not prepared to carry their complaisance so far as to strain the application of the British law, in such a manner as to oppress, and perhaps ruin a merchant who had erred inadvertently or to check and damp the industry of British Ship builders or British Manufacturers of Arms at a moment of severe commercial and manufacturing distress. Although therefore there was a doubt whether the Foreign Enlistment Act rigorously interpreted had not been infringed by Messrs Lizardi, Her Majesty's Government determined rather to risk erring on the side of leniency, and gave Messrs Lizardi the benefit of that doubt. Had the vessels been built and equipped for the account of Texas, this same equitable and indulgent line of conduct would have been pursued.

But even supposing the release of the Montezuma to be open to the charge of over leniency at the expense of rigid justice, which the Undersigned however is far from admitting it to be, would that act be sufficient to countervail the whole conduct of Her Majestys Government towards Texas since the ratification of the Treaties? Not a fortnight after that ratification, Her Majesty's Government had already instructed the Queen's Minister at Mexico, in communicating the fact of ratification to the Mexican Government to urge that Government to recognize the Independence of Texas in conformity with the intent of the 1st Article of the Treaty. But those instructions were not couched in the dry and formal terms of a mere cold compliance with that provision. They were conveyed as Mr Smith well knows for he has had cognizance of them in the warm and

earnest tone of real friendship and good will. Her Majesty's Government pressed that of Mexico by every argument that could be adduced to fall in with the wishes and recommendation of Great Britain. No topic of persuasion was omitted which was considered likely to weigh with the rulers of Mexico; and not fifteen days after the dispatch of that first instruction, a second was sent out to Her Majesty's Minister enjoining him in still more earnest terms to press the point again on the attention of the Government of Mexico.

These facts the Undersigned apprehends will be found more than sufficient to outweigh all Mr Smith's arguments founded on the Law of Nations and "the Terceira Affair". These facts alone afford a sufficient justification of the British Government against the charge of want of amity brought against them by Mr Smith.

He will not however close this note without saying a few words respecting the present principles and conduct of the United States Government in reference to Mexico and Texas, as compared with its principles and conduct in 1793, which have been so much dwelt upon by Mr Smith in his Note of the 10th Instant. But in doing this the Undersigned must distinctly disclaim any intention to criticise or question that conduct. His sole aim is to shew first that the principles now adopted by the United States Government materially differ from those advocated in 1793; and secondly that their conduct in respect to Texas and Mexico has very closely resembled in the points to which Mr Smith takes exception that of Great Britain.

In a correspondence which has recently taken place between Monsr. Bocanegra the Mexican Secretary of State and Mr Webster, on the subject of an alleged violation of neutrality on the part of the United States to the prejudice of Mexico, Mr. Webster thus expresses himself in a letter addressed by him on the 8th July to Monsr Bocanegra.<sup>a</sup> "If it be true that Citizens of the United States have been engaged "in a commerce by which Texas an enemy of Mexico has been sup- "plied with arms and munitions of war, the Government of the "United States nevertheless *was not bound to prevent it*, could not "have prevented it without a manifest departure from the prin- "ciples of neutrality, and is in no way answerable for the conse- "quences." And in another clause of the same letter Mr Webster says: "Two vessels of war, it was alleged (by the representative of "Texas) built or purchased in the United States for the use of the "Government of Mexico, and well understood as intended to be em- "ployed against Texas, were equipped and ready to sail from the "waters of New York. The case was carefully inquired into, official "communication was made and legal counsel invoked. *It appeared to "be a case of great doubt, but Mexico was allowed the benefit of that*

<sup>a</sup> Addressed in fact to Waddy Thompson, United States minister to Mexico. See Webster, Works, VI, 445-457. For the extract here quoted, see p. 451.

*"doubt: and the vessels left the United States with a whole or a part of their armament actually on board."* And Mr Webster adds "The same administration of even handed justice, the same impartial execution of the Laws towards all parties will continue to be observed."

The Undersigned might cite many other passages in the same letter and similar passages also in a letter addressed to the Mexican Government by General Thompson the United States Minister in Mexico, in corroboration of the points which he is now elucidating, but the above passages will suffice for his present purpose. It is needless to point out to Mr Smith how exactly the case referred to in the last of the above quotations coincides with that under discussion between him and the Undersigned. But it is not such coincidence which has induced the Undersigned to cite that case. His only object in introducing that and the preceding quotation is to show that if the principle asserted by the United States Government in 1793 can be adduced in support of Mr Smith's view of the rights of neutrality as established by the Law of Nations, those adopted as above shown by the United States in 1842 might be equally appealed to in support of the conduct of Her Majesty's Government in the contest between Texas and Mexico and especially towards Texas.

The Undersigned however has no thought of calling in such support. He is content that the proceedings of Great Britain towards Texas should stand upon their own merits. The Undersigned will not conceal from Mr Smith that it is not without some surprise that he finds Mr Smith both insisting with such earnestness and perseverance on the alleged violation of neutrality in regard to Texas in the matter of the two steamers, and also in adducing the example of the United States in support of his argument. It is perfectly notorious to the whole world, that in the present contest between Mexico and Texas, the United States have served as the arsenal and workshop of Texas. There is scarcely a vessel of war belonging to Texas which was not built and equipped in the United States and some of these vessels were by the last accounts received from Texas, reported to be actually lying at New Orleans to refit. And yet Mr Smith does not hesitate to bring a graver charge of breach of neutrality against the British Government for having permitted the departure of two Steamers fitted out in British Ports on private speculation and indirectly destined for the service of Mexico, respecting which vessels great doubts existed in the minds of the authorities more immediately concerned in their detention and release. Although it might undoubtedly be convenient to Texas to prevent if possible Mexico from supplying its military and naval wants from Foreign Markets, the Undersigned will not deny that considering all the circumstances above adverted to, Mr Smith might, in his opinion have

abstained from pressing a charge against the British Government, which even were it proved to its full extent, would but amount to the fact of having done that with respect to Mexico, which the United States have done and are daily doing in respect to Texas. While Mexico however has drawn but two Steamers and a small quantity of arms and ammunition in those two Steamers from the ports of England, Texas is daily and hourly equipping herself and drawing her military stores from the ports of the United States.

The only object which the Undersigned has in view in alluding to the latter circumstance is to show that in the heat of his ardor to convict Great Britain of a violation of the Law of Nations, Mr Smith has overlooked the proceedings of his own Government and Country in relation to a Country which like Great Britain asserts an absolute neutrality between Mexico and Texas.

It only remains for the Undersigned to inform Mr Smith that long prior to the receipt of intelligence announcing the arrival of the Guadalupe at Vera Cruz, a letter had been dispatched by the Admiralty to the British officers who were serving on board that vessel, directing their return forthwith to England. And the Undersigned will here repeat that in case those officers, as well as those on board the Montezuma, should after such summons continue in the Mexican Navy, they will be dismissed from her Majesty's service.

The Undersigned avails himself of this occasion to renew to Mr Ashbel Smith the assurances of his high consideration.

signed ABERDEEN.

**FOREIGN OFFICE**

November 8th 1842.

Ashbel Smith to the Earl of Aberdeen

My Lord,

I have received Despatches from the Government of Texas, dated the 20th August in which I am instructed to say:

" This Government will accede to the request of the Earl of Aberdeenshire that the Royal West India Mail Steamers touching at the Ports of Mexico shall be exempted from the operation of the Blockade, and an order to this effect will be issued to our blockading squadron. You will be furnished with a copy of this order to be communicated to Her Majesty's Government. If an arrangement can be effected whereby these vessels shall regularly touch at Galveston, it would be highly gratifying to the President and would doubtless be productive of advantages both to this country and Great Britain."

In making the foregoing communication, I think it proper to state that although considerable delay has been experienced in obtaining

an answer on the subject of exempting the Royal West India Mail Steamers from the operation of the Blockade formerly declared by Texas, that delay has not been greater than appears to have been inevitably occasioned by the uncertain transmission of the mails through the United States.

I have also been furnished with the Proclamation of His Excellency the President of Texas revoking the Blockade; <sup>a</sup> a copy of which I have the honor herewith to communicate to your Lordship.

Despatches recently received from Texas contain expressions of very friendly regard for Her Majesty's Government and appeal to the facts that Texas belongs to the same great National family, speaks the same language, is governed in a great measure by the same laws and possesses kindred and congenial sentiments with Great Britain, as justifying the hopes that the relations of the two countries may continue amicable and become intimate and permanent. Great reliance is placed on the mediation of Great Britain in the contest between Texas and Mexico; and I am directed to continue to invite the attention of Her Majesty's Government to this subject.

Your Lordship has doubtless seen with satisfaction that up to the time of the last advices from Mexico, no serious demonstration of hostilities had been made against Texas; and that this delay furnishes reason to hope that the friendly counsels of Her Majesty's Government may yet be listened to and result in the establishment of peace between the two Countries.

I embrace this opportunity to renew assurances of the very distinguished consideration with which I have the honor to be

Your Lordship's  
most obedient and  
very humble servant

ASHBEL SMITH

LEGATION OF TEXAS

10th December 1842

Ashbel Smith to the Earl of Aberdeen

The Undersigned Chargé d' Affaires of the Republic of Texas has the honor to acknowledge the receipt of His Excellency the Earl of Aberdeen's note of the 8th Ultimo, concerning the Mexican Armaments recently fitted out in British Ports. The vessels having some time since left the ports of Great Britain, and Her Majesty's Government having taken a definitive course in regard to them, the Undersigned does not propose to pursue the discussion of this subject further than to add a few explanatory remarks on some of the topics heretofore mentioned.

<sup>a</sup> See *Telegraph and Texas Register*, September 14, 1842.

In a Note which the Undersigned had the honor to address to the Earl of Aberdeen on the 10th October, he took occasion to cite a transaction which was believed to present some points of analogy with the Mexican Armaments in question. In the printed Parliamentary Reports of the Debates to which this transaction gave rise in the House of Lords, it is denominated "The Terceira Affair". It is again adverted to, as the Earl of Aberdeen's attention appears not to have been directed to the points for which the case in question was adduced.

In a conversation with the Earl of Aberdeen on the 18th June, the Undersigned stated to his Lordship in connection with other facts, that British seamen were recruiting for the Steam Frigates Guadalupe and Montezuma, to be employed in the service of Mexico against Texas. Subsequent facts have strongly confirmed the correctness of the statement then made. He did not assert that the recruiting and enrolment of these men on the Guadalupe's books, constituted levying war from British Territory; but he confined himself to a simple narrative of the facts and asked of his Lordship the interference of Her Majesty's Government to prevent the departure of these seamen as well as of the vessels, on an expenditure which he believed was destined against Texas. Conceiving that the enrolment of these seamen presented some analogy with the assembling of the Portugese subjects in a British Port on the occasion alluded to, he afterwards in his Note of the 10th October referred to the opinion then entertained by the British Government, as furnishing a precedent applicable to the seamen who were recruited for the Mexican steamers. As the Portugese subjects were not suffered to defeat by "fraud" the neutral policy of Great Britain but were reached by the arm of British power, even after their arrival at Terceira, the Undersigned hoped it would comport with the views of Her Majesty's Ministers to arrest in some similar manner the accomplishment of the hostile purpose of the British seamen on the Guadalupe, who by means of a false "assurance" had escaped beyond the control of Her Majesty's Customs. The order of the Lords of the Treasury directing the large guns etc. of the Montezuma to be relanded and her crew to be reduced, seemed to judge the case of the Guadalupe; and in reference to the latter vessel the transaction denominated in the Parliamentary Reports "The Terceira Affair" was cited as affording an example of *the extent* to which the British Government would interfere in similar circumstances.

Still, if the Guadalupe carrying a mounted armament of two 68-pounders and smaller cannon, supplied with munitions of war and manned with upwards of 80 British seamen did not furnish a case of violation of neutrality, it is admitted that the Texian Government had no right to invoke any action whatever of Her Majesty's Government, in regard to this vessel.

The Earl of Aberdeen has dwelt at some length on the course pursued by the Government of the United States towards Texas and Mexico: but as his Lordship seems to disclaim having cited the conduct of that Government as evidence of the recognized Law of Nations on the subject in discussion, this portion of his Lordships note would not require particular reply, did not his Lordship's remarks concern Texas as well as the United States.

Several of his Lordships observations as well as a portion of the quotation from Mr Webster's letter, refer to the purchase of *arms* and *munitions* of war in the United States by the Belligerent Parties. The Undersigned has not contended that the purchase of these articles in Neutral States, is forbidden by International Law. On the contrary he stated in his note of the 10th October, that "the exportation of arms as merchandise and the equipment of merchant vessels "as such, it is conceded, are *lawful* acts, and being made equally "free to both the Belligerents cannot be complained of by either as a "departure from strict neutrality;" and he then drew as he conceived a just distinction between the authorized trade in these articles and the fitting out and manning of the Mexican steamers.

The case of the Mexican vessel cited by Mr. Webster, where Mexico had the benefit of the doubt, is believed to differ in some important points from that of the Guadalupe. In the case of the former vessels, it is confidently asserted that their armaments were not mounted, their crews were *bona fide* merchantmen's crews and not engaged for a hostile service; and these vessels were not either by their condition or the number and character of their crews and officers, prepared for hostile operations at the time of sailing from New York, or on the arrival of the only one of them which reached Mexico.

The Earl of Aberdeen has been correctly informed that most of the vessels composing the Texian Navy were *built* in the United States: In no single instance however did those vessels originally leave the United States Ports or arrive in Texas, *equipped* as *vessels of war*. On the contrary, they were laden with various merchandise, manned with crews merely sufficient to work them; these crews were *bona fide* so employed and discharged on their arrival in Galveston. They were not recruited to serve in the Navy of Texas. Some of these vessels had not an arm on board when sailing from the United States; and all were as inefficient and unprepared for hostile operations as merchant vessels of like burden generally are, until their armaments were mounted and their crews collected and mustered in the Ports of Texas. The distinction between these vessels sailing as described, and a vessel leaving a neutral port "armed to the teeth", is conceived to be *just* and *practical*.

The Undersigned would further state in reply to his Lordship's remarks on this subject, that when Commodore Moore sailed into the port of New York and there attempted to increase the crew of the Texian Sloop of War Austin, he was prevented by the United States Authorities from so doing, was held to bail for an infringement of their laws and compelled to leave that Port *re infecta*. Last spring a similar attempt to augment the crew of a Texian vessel of war at New Orleans, was in like manner prevented by the United States authorities there.

In reference to his Lordship's statement that vessels of the Texian Navy were recently lying at New Orleans to refit, and to his accompanying remarks; the Undersigned begs to refer to a quotation he formerly made as being applicable to this subject:—it is, that “Equipments in neutral Ports of vessels of war etc., which if done to other vessels, would be of a doubtful nature, as applicable either to commerce or war are deemed lawful.”—And he would add that he is not aware of any repairs or refitting having been done to Texian vessels of war, in the United States, which would not be embraced in the terms of the authority quoted.

The only object of the Undersigned in the preceding remarks is to vindicate his Government from the charge to which the Earl of Aberdeen seems to think it obnoxious, of requiring a severer interpretation of the Laws of Neutrality in regard to the Mexican Steamers Guadalupe and Montezuma, than has been elsewhere applied to the vessels of Texas. It would perhaps have been sufficient for this purpose to have cited the Law passed by the American Congress in 1838, more effectually to prevent the organization of hostile expeditions in their territories<sup>a</sup> and enforced towards Texas, and to have added the sentence of Mr Webster's letter *next* following those quoted by the Earl of Aberdeen in his note of the 8th Ultimo. The American Secretary of State there asserts that “If forces have been raised in the United States or vessels fitted out in their ports for Texan service, contrary to Law, no instance of which has yet come to the knowledge of the Government etc.” The inconvenience of details has however been preferred as being more explicit.

The Undersigned cannot close this communication without assuring the Earl of Aberdeen that he has been fully persuaded at all times of the sincere desire and earnest endeavors of Her Majesty's Government to establish peace between Texas and Mexico; and that he has not at any time attributed their interpretation of the Laws in the case of the Montezuma and Guadaloupe, to hostile feelings and want of amity towards Texas. Had he believed such feelings were entertained, he would have held it to be his duty to communicate respectfully but explicitly the grounds of such belief.

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<sup>a</sup> Act of March 10, 1838. See *United States Statutes at Large*, V, 212–214.

In the contest between Texas and Mexico, Texas has manifested its sincere wish for peace and the cultivation of friendly relations with its enemy during a period when it might have harassed that enemy with much efficiency. It is unnecessary to inform his Lordship that for years when Mexico had not a vessel of war afloat, the Texian navy lay idle in her harbors at an expense nearly equal to the outlay that would have been necessary to have kept them in efficient service. Mexico has at length by extraordinary efforts procured vessels of war and betrays no want of inclination to resume hostilities. Without the Steamers built and equipped in British Ports, hostilities could not have been efficiently renewed. The Undersigned believed the detention of these vessels was warranted by the Law of Nations and the municipal Laws of Great Britain. He regrets that a different view of these laws has been entertained by Her Majesty's Government. His regret is increased by the reflection that the resumption of hostilities would have been otherwise deferred and a further opportunity afforded for the employment of the friendly offices of Her Majesty's Government to establish Peace between the two countries.

The prompt recall of the officers serving on board the Guadalupe will be immediately communicated to the Government of Texas to which it cannot fail to be gratifying as another proof of the friendly feelings entertained by Her Majesty's Government for that country.

The Undersigned avails himself of this occasion to renew to His Excellency the Earl of Aberdeen assurances of his very distinguished consideration

Ashbel Smith

[Dec. 12, 1842.]<sup>a</sup>

Ashbel Smith to Lachlan M. Rate Esqr

LEGATION OF TEXAS, PARIS

24th December 1842

SIR,

In recent despatches from the Government of Texas I am informed it is desirable that the West India Royal Mail Steamers should touch at Galveston.

I am aware that the Company owning these Steamers have within a few months greatly contracted the extent of their operations; and that in view of the reasons which lead to this course they may very naturally hesitate to extend at this time their Line in a new direction.

I need not inform you that the intercourse between Great Britain and Texas is comparatively small in consequence of the great incon-

<sup>a</sup> This date, including the brackets, seems to have been added by some other person than Smith.

véniences and uncertainty of carrying it on through the United States as is now done; and that the intercourse between the two countries would speedily increase and soon attain great importance were it facilitated by a more direct and certain communication as is proposed by connecting Texas with Great Britain by means of the West India Steamers.

Your own judgment and information will however suggest every consideration in favor of the proposed plan.

The approbation of Her Majesty's Government will of course be necessary. When I mentioned this subject some months since to Lord Aberdeen, I understood his Lordship to express entire assent on the part of the Government provided the Company were willing to undertake the enterprise in question.

Will you please communicate with Her Majesty's Government and the Company owning the Steamers and see whether the proposed arrangement can be effected?

I have the honor to be  
very respectfully  
your most obedient  
Servant

ASHBEL SMITH

LACHLAN M. RATE Esq.  
*Consul General of Texas*  
*London.*

ELLIOT TO JONES.<sup>a</sup>

GALVESTON January 17th. 1843

The Undersigned Her Britannic Majesty's Chargé d'affaires to Texas, has the honor to acknowledge Mr. Jones's note of the 24th Ultimo. Fully assured of the President's strong desire to adjust the claim for the "Eliza Russell" and bound by his own duty to have great attention to the very earnest manner in which the subject has been pressed upon him by Her Majesty's Government, he has now the honor to make the following suggestions, and he entertains no doubt that His Excellency will readily accede to one or other of them.

The first is that an order for immediate payment should be forwarded to him upon the Collector of the Customs at Galveston for the amount voted by Congress in 1840 namely \$3840—: or if that course should be impracticable, that the Collector at Galveston should be authorised to take the receipts of the Undersigned for duties to that amount (\$3840) from any British merchants settled here, importing chargeable goods into this port.

The Undersigned is so sensible of the needfulness of relieving Mr. Russell, without any further delay that He has suggested for the consideration of Her Majesty's Government the propriety of making the payment at once in London. And he has incurred the responsibility of this step, with the conviction that the assurances of Mr. Jones's note of the 24th. Ultimo are very strongly felt, and with the perception that they are susceptible of prompt accomplishment by the means now proposed.

Indeed it will not escape observation that the last of the two courses here suggested will cast the adjustment of the wrong done to Mr. Russell upon funds derived from British trade, and the Undersigned feels assured that the President will readily admit the propriety of rendering that source of revenue liable for the satisfaction of the just and earnest expectations of Her Majesty's Government upon this subject. It has been pressed so emphatically upon his own attention by Her Majesty's Government that the Undersigned must not dismiss the topic without again reminding the Government of the Republic, that the injury complained of took place in the year 1837, and that the vote of Congress in relation to it, is dated so long since as January 1840.

The Undersigned thanks Mr. Jones for his obliging explanation respecting the cause of the delay in the reply regarding the "Little Pen," and perfectly sensible of the just dispositions, of the Government of the Republic, he rests in the confidence, that it will soon be in Mr. Jones's power to enable him to report to Her Majesty's Government that the force of that claim has been acknowledged.

The Undersigned begs Mr. Jones to accept the assurances of highest consideration, with which

He has the honor to remain  
His most faithful Set.

CHARLES ELLIOT.

To

The Honorable  
ANSON JONES  
etc. etc. etc.

JONES TO SMITH.

DEPARTMENT OF STATE  
WASHINGTON Jan. 18th 1843

Hon. ASHBEL SMITH

*Charge d'Affaires of Texas*  
etc. etc. etc.

SIR,

I avail myself of an opportunity by Mr. S. Converse to forward you to the charge of Mr. Rate, at London a package containing two

blank commissions for privateers with the same number of blank Letters of Marque and Reprisal,—also several copies of the Laws passed at the special session of Congress last summer, and consular commissions as follows. Viz: for Francis B. Ogden, Liverpool; Alfred Fox, Falmouth; John Graham Stewart Glasgow; John Roxborough, Greenock; John Atkinson, Kingston-upon-Hull; and Thomas Were Fox, Plymouth.

I have requested Mr. Rate to hold this package subject to your order, and instructions in the event of your not being in London when Mr. Converse arrives there.

I have the honor to be  
with great Respect

Your Most Obt. Svt

(Signed)

ANSON JONES

JONES TO SMITH.

DEPARTMENT OF STATE  
WASHINGTON Jan 19th 1843.

To the Hon. ASHBEL SMITH

*Charge d'Affaires of Texas etc. etc.*

SIR,

Since my last dispatches under the dates of the 23d and 26th of December last, your several communications of the 11th 13th and 30th of Novr.<sup>a</sup> have been received at this Department.

On yesterday I addressed you a letter by Mr. S. Converse to the care of Mr. Rate with a package containing two Blank Commissions for Privateers, the same number of Letters of Marque, and sundry Commissions for Consuls in Great Britain etc.

The Commissions for Privateers and letters of Marque you will use as directed for those sent you on the 26th Ult. taking in every instance adequate and sufficient security. Should you find parties willing to undertake the enterprize, and who could command the necessary means, it is very probable that the Gulf of Mexico itself might afford opportunities for making very valuable prizes, of public armed vessels and that reprisals might with a proper force be made upon towns situated upon it. Steamships of a suitable construction would be the best calculated for these purposes.

The separate though concerted action of France, England and the United States in the proposed mediation between Texas and Mexico which has been accorded by the two former powers and which will no doubt be acceded to by the United States, as well as the friendly

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<sup>a</sup> For all three, see Correspondence with France.

offices of the latter already so willingly offered and employed, will effect all which Texas has at present a right to claim from those Governments.

In case Mexico should succeed in subjugating Yucatan, and a civil revolution does not break out at home, there is much probability in the expectation that Santa Anna will cause a considerable invading force to be sent to operate against Texas early in the coming Spring. Upon the contingency of success in Yucatan, the two remaining results probably depend and success there according to present information appears doubtful at least, if not improbable. In case of a formidable invasion, I have little doubt that Texas would meet it with an united and successful resistance, and should not the invasion take place in the course of the next few months, Mexico can never hope to resubjugate this country nor should she longer presume upon carrying on a war for such an idle purpose. On the result of events now about to transpire, and at the conclusion of the time in which Mexico may demonstrate her ability for invasion, and the issue is determined, which issue must necessarily be favorable to Texas if she is true to herself, the most favorable period for the interposition of powers wishing to bring about a reconciliation between the parties, will have arrived, and it is much to be hoped that Mexico will be then disposed to listen to the counsels of wisdom and prudence, and to acknowledge the independence of Texas.

Although England has declined entering into the joint triple mediation as proposed with France and the United States, still much may be accomplished, by a separate though concerted action, in this matter by those Governments. The union of France with the United States in mediating without the co-operation of England which from her peculiar relations with Mexico, renders her the most important of the three, would not seem at the present moment, very likely to succeed.

Mr. Elliot, Chargé d' Affaires of her Majesty, has given constant and repeated assurances to the President, that Her Majesty's Govt entertain a very strong desire to see an end put to the present difficulties, and will continue to exert its friendly offices for the attainment of this object.

The Special Session of Congress which was called to meet at this place on the 14th Novr. adjourned without accomplishing any thing. At The regular session which adjourned on the 16th Inst Congress passed about sixty acts and Joint resolutions mostly of a local or private character. The tariff and direct Taxes remain as fixed by the former Congress; and but little change is made in any of the general legislation of the country. A Frontier protection bill passed by a constitutional majority similar in its features to the one passed

in 1837-8 which was vetoed by the President.<sup>a</sup> It provides for the election of a Major General by both Houses in joint Ballot and appropriates \$50 000 for the purpose of frontier protection. Thos. J. Rusk, has been elected Major General of the Republic under this law.

The general appriation Bill this year amounts to about \$127,000 and the whole amount of appropriations made by this Congress to about \$200,000. The appropriation for foreign Legations is the same as last year viz, \$9000 for Salaries of Charge d' Affaires and \$1000 for Contingent expenses. One half of these appropriations (\$5,000.) will be reserved and held subject to your use and disposition.

Congress have also passed a secret act authorizing the President to sell the entire navy of the Republic, which Law he is now preparing to carry out.

Your particular attention is requested to the letter from this Department under date of the 15th Octr. last, with a protest in relation to the unauthorized predatory warfare carried on by Mexico upon the defenceless frontier settlements of Texas, a copy of which protest you were instructed to lay before the government of France. Copies of this protest were sent to the representatives of the United States and Great Britain, here, and also to our Chargé d' Affaires at Washington. Mr. Van Zandt has presented the subject to the consideration of Mr. Webster, Secretary of State of the United States, and will be instructed to communicate to you *direct* the answer of Mr. Webster so soon as it is received, and all information in relation to the same, as well as to other matters of particular interest, which may occur at the Court to which he is accredited. As far as it may be in your power, to keep Mr. Van Zandt reciprocally informed you will please do so by direct communication with him.

Upon such enquiry as I have been able to institute here I am unable to obtain information concerning but one of the individuals enquired of in your letter of the 11th Novr. Mr. Giraud. There is a person of that name now living at Victoria who went there some two years ago in company of Messrs. Gray, Kettles, Kelly and Stewart. Mr. G. has been engaged in mercantile business there, and though not very successful, is highly respectable.

As I am unable to have any reference to the records of the Land Office, I am unable to give you authentic information in relation to the Eleven League claim sold by Mr. Mason, to Mr. Power. I presume however that your opinion in relation to its want of validity is correct.

The letter which you inform me has been written to this Dpt. by the Count de Brieg<sup>b</sup> Belgian Minister for foreign affairs explain-

<sup>a</sup> Passed finally January 16, 1843. See Gammel, *Laws of Texas*, II, 846-848.

<sup>b</sup> Camille de Briey.

ing the reasons for defering the establishment of treaty relations between Texas and Belgium has not been received by me. If convenient you can cause notice of this fact to be sent him.

Your communications by Mr. A. T. Burnley have not been received as that gentleman has not yet arrived from Europe.

Mr. Louis Grousset's Commission as Consul for Marseilles was I believe sent him from Galveston, last spring. I enclose you another herewith, as that one has miscarried which you will please forward with an exequatur when obtained to that gentleman.

Mr. Wm. Bryan who is now here informs me, that Mr. Edmonds his predecessor, did not place in his charge the Box to which you allude, as having been left in Mr. E.'s charge in New Orleans and that he has no knowledge of it. I have instructed Mr. Bryan to make every possible exertion to find it; and should he be successful to forward the same to the care of Mr. Paravey at Havre.

Mr. Wm. Henry Daingerfield Secretary of the Treasury, will be appointed Chargé d' Affaires to the Netherlands, and leave New York in about six weeks for Europe. He will be instructed, to visit you on his route, and will be able to furnish you with every information in relation to our affairs and the events which have transpired here.

The Treaty negotiated by Mr. Riley<sup>a</sup> with the United States has been laid before the Senate and received its sanction. The Ratifications will be sent on by Mr. Dangerfield<sup>b</sup> to Washington City to be exchanged so soon as the government of the United States shall have ratified the same.

Jan. 20th.

A contract has been this day concluded between the President, and Messrs. S. Converse D. J. Carroll Chas Fenton Mercer, Thomas Jones Mowe and Martin Stukely to introduce a number of emigrants into Texas not exceeding ten Thousand. For this purpose the President has granted them, a territory on Red River fronting on that stream One Hundred and Sixtyfour miles, and extending south therefrom one hundred miles, and inconcluding upwards of sixteen Thousand square miles. As these gentlemen appear to be acting in good faith in carrying out their proposed scheme you will give them every proper facility in your power to enable them to effect the same. The colonizing of the country with industrious and respectable emigrants from Europe is an object which the President strongly desires to promote, while every attempt at speculation, or imposition, by persons, who may be disposed to effect this object by entering into contracts for colonization (should any such exist or arise) cannot be too promptly exposed and arrested, by our agents abroad.

<sup>a</sup> Riley.

<sup>b</sup> Daingerfield.

I am happy to assure you that the entire course pursued by you in your intercourse with the Govts of England and France etc. meets the highest approbation of the Department.

I have the honor to be  
etc. etc. etc.

(Signed)

ANSON JONES

JONES TO SMITH.<sup>a</sup>

DEPARTMENT OF STATE  
Town of Washington Jan 23d 1843

To the Hon. ASHBEL SMITH

*Chargé d'Affaires of the Republic of Texas, etc.*

SIR,

The representations which you have been instructed to make to the Govt. of France, in relation to the unauthorized predatory warfare waged by Mexico, against Texas a copy of which was communicated to Her Brittanick Majesty's Minister here Mr. Charles Elliott, will it is presumed impose upon those powers, the obligation to interfere in endeavoring to arrest its further continuance. Texas in asserting the rights acknowledged to belong to civilized nations, and the principles which should govern them, in the mode of warfare which, any might adopt must give assurances of a strict observance of these rights and principles herself. That she has always observed them heretofore the history of our revolution abundantly proves, and no departure from them by her officers or citizens will ever be sanctioned by this government, should any such departure be attempted or made by them. That there will be lawless persons in every community, who setting laws and authority at defiance persist in a violation of good order and propriety is certainly true. In a country like Texas whose civil institutions have not been matured by time, and by the enjoyment of peace and national tranquility, whose citizens are liable to strong excitements; and driven to desire vengeance and retaliation upon an enemy with whom that country is at war and from whom the most wanton flagrant and cruel injuries have been long received and endured—it is very natural to suppose that many irregularities will occur and that attempts will be made at retaliation by the parties suffering from the consequences of such injuries.

These reflections are made that in case occurrences of this kind might at any period happen, and the inference be drawn therefrom by any friendly power that Texas, herself had departed from the

<sup>a</sup> The copy of this letter kept in the archives was, with the exception of the last two sentences and the note following the letter, written by Jones himself, but his signature was omitted.

principles which she had claimed; should be observed between civilized nations at war with each other, the acts of individuals, even though in some degree excuseable under such peculiar circumstances, should not be imputed to its government or if so imputed that you might be, the better enabled to shew that such imputation was both unfounded and unjust. The Government of Texas, though deeply sensible of the many wrongs and injuries inflicted upon her citizens from 1832 to the present time by the perfidy and the barbarity of Mexico will not in any instance depart from the principles she has avowed to the world; principles which form the basis of all national respectability and which hold together the fabrick of the moral universe. It is true she may be driven by necessity to the pursuance of a retaliatory war with Mexico of the character which Mexico has so long pursued against Texas, but when she does so that same necessity will be abundantly apparent and justify her in the opinions of mankind. Other nations, interested in the general preservation of those rules, which the civilized world has adopted, for mutual observance in war, and having it is presumed a due regard to the great cause of humanity, have been called upon to interpose to prevent a state of things so much to be deplored. Should they not do so and Mexico persists in the course she has adopted self preservation, must necessarily induce Texas to the pursuance of a similar course and consequences which must ensue although so deeply to be regretted cannot be longer avoided.

Recently indications were given that the people of this country have been driven to a degree of exasperation which it would be at least difficult for the government to restrain, even if propriety should require it to be done. In the course of the present year no less than three predatory incursions into Texas by Mexican soldiers have been made, under the orders of the government, of Mexico. Our peaceful citizens have been plundered by these troops in some instances, in others captured and imprisoned, and again in other more frequent instances murdered in cold blood and with a most savage inhumanity. A feeling was aroused throughout the country which caused an assembling of a large number of citizens at Gonzales in the month of October determined to avenge the injuries and the murders which had been committed upon their brethren and their friends. The President under a conviction of the propriety of the course ordered Brig. Gen. A. Sommerville<sup>a</sup> of the 1st Brigade Texas Militia within the limits of whose command the men had rendezvoused to assume the command, and in case a suitable force should muster into service to pursue the enemy across the Rio Grande for the purpose of chastising them observing in every case the rules of civilized warfare and exercising great humanity towards the common people.

<sup>a</sup> Sommerville.

For your more particular information in relation to this matter I enclose you herewith copies of all the orders given by the President and Secretary of War to Gen Sommervill, for the conduct of the campaign.<sup>a</sup>

Although this campaign has ended I regret to inform you no report has yet been made by the commanding General to the Executive. In consequence I am unable to communicate to you an official account of the same. From the best information however which can be obtained, it would appear that the army about 700 strong marched from the Medina on the 25th Nov. that it arrived and took possession of Laredo without resistance on the 8th Decr. the troops stationed there having fled with precipitation on the approach of Gen. Sommervill. From this place a part of the men about 200 returned home. The remainder under Gen Somervill marched on the 10th from Laredo and crossed the Rio Grande near Guerrero on the 14th. in the presence of Gen Canales who with about 400 men was stationed on the opposite side of the river. Gen. Canales with his forces immediately fled, and the town of Guerrero surrendered. On the 18th the army repassed the river in safety and on the 19th. Gen. Sommervill not deeming it prudent to remain longer and being in want of provisions clothing and ammunition concluded to return. The order was then given to march to Gonzales and the march was accordingly commenced by about two hundred men, who returned to their homes. The balance remained in camp and having elected W. S. Fisher commander, in violation of Gen. Somervill's orders recrossed the Rio Grande and entered the town of Mier on the 23d. On the 24th a smart skirmish ensued between this party and a Mexican force, when the latter were repulsed with loss. On the 25th. they were attacked at daylight by about 1500 men, and after having fought very gallantly until 10 O'Clock, a parley ensued, and they were induced, by assurances that large reinforcements of Mexicans were at hand, and promises of safety, to surrender under stipulated articles, the terms of which are not known.

Although while under the command of the properly authorized commander of the expedition some acts of individual outrage may have been attempted upon the property of citizens of Laredo or Guerrero, the Govt. is assured that every such attempt was restrained when it was possible to be done or punished if committed. Private property and personal rights were in every possible instance secured to the enemy's citizens, and one was taken prisoner.

The object of the expedition and the manner of its performance are sufficiently detailed in the orders to Gen. Sommervill, which are enclosed. These were legitimate and proper,—the pursuit and chastisement of the enemy. That the result has been disastrous through

<sup>a</sup> Of these, only one letter of instructions has been found: Houston to Sommervill, October 3, 1842. See the *Morning Star*, February 18, 1843.

an unfortunate spirit of insubordination the President most deeply regrets, both as it regards the individuals who are prisoners with the enemy, and the consequences to the country which must necessarily result from the failure.

Should any improper representations in relation to this expedition be made to the governments of France or Great Britain from any quarter you will so soon as the same comes to your knowledge address to those governments respectively a communication in relation to the same, with the information contained herein and in the accompanying orders to Gen Sommervill, with such remarks on the subject as you may think suitable and proper—and as the character of those representations may seem to require.

The Executive has recently been assured from undoubted authority that so soon as information was received by the Mexican authorities of the intended council which is to be held by the various tribes of hostile Indians and the Commissioners of Texas and the United States for the purpose of concluding a treaty of peace with these tribes, officers were immediately sent as emissaries to the different tribes for the purpose of defeating the Treaty, and to enlist again the services of these savages in the cause of Mexico, as allies. These officers are now among them for this purpose and are actively engaged in the objects of their Mission. A proper representation of this fact should be made, to the governments at which you are accredited as an additional cause for their interference, to put an end to the mode of warfare adopted by Mexico. Texas will not attempt to engage the services of these savages and turn them loose upon the defenceless citizens of the Mexican frontier—nor should Mexico under any circumstances be permitted to pursue this course in her conflict with us. The enlightened and humane spirit of the age in which we live, is in direct opposition to such belief.

The outrage recently committed by the Mexican commander of a recent incursive force, in the capture of fifty three peaceable citizens, at San Antonio, while attending to their duties as members of the District Court in session at that place; and their retention in bondage by Mexico, will require your prompt attention, in causing suitable representation thereof to be made to the Governments to which you are accredited. Some of these were citizens of the U. States, some of Great Britain and others of France.

I have the honor to be  
with the highest respect  
Your Obt. Svt.

A similar letter to the foregoing was sent of the same date to Honl Isaac Van Zandt Chargé d'affaires of the United States,—with the alterations of United States inserted instead of France.

SMITH TO VAN ZANDT.<sup>a</sup>

JONES TO SMITH.<sup>b</sup>

ELLIOT TO JONES.<sup>c</sup>

ELLIOT TO JONES.<sup>d</sup>

GALVESTON February 7th. 1843.

The Undersigned, Her Britannic Majesty's Chargé d'affaires to the Republic of Texas, etc. etc. has the honor to acquaint Mr. Jones that Mr. William Kennedy, bearing Her Majesty's Commission as Consul for the Port of Galveston, and its neighbourhood, arrived here on the 5th Instant.

The Commission is herewith forwarded, and He has to request that the President will be pleased to issue the necessary authority to enable Mr. Kennedy to exercise his functions.

The Undersigned avails himself of this occasion to offer to Mr. Jones the renewed expressions of highest consideration with which, he has the honor to remain,

His most faithful Servant

CHARLES ELLIOT.

To The Honorable

ANSON JONES

etc. etc. etc.

P. S. It is requested that the Commission may be returned at Mr. Jones's leisure, and Capt. Elliot would also feel obliged to Mr. Jones to address the exequatur to Mr. Kennedy, in the event of his own absence from Galveston.

JONES TO ELLIOT.<sup>e</sup>

ACT FOR CARRYING INTO EFFECT THE TREATY BETWEEN ENGLAND AND  
TEXAS FOR SUPPRESSION OF SLAVE TRADE.<sup>f</sup>

<sup>a</sup> January 25, 1843. See Smith to Jones, July 2, 1843.

<sup>b</sup> January 31, 1843. See Calendar.

<sup>c</sup> February 4, 1843. See Calendar. With the original is inclosed a lengthy document which it is not deemed necessary to publish, and the title of which is as follows: *Abstract of the Notes and Limits of certain grants of Land claimed by J. C. Beales a British subject and others under him, extracted from the Empresario titles of said J. C. Beales, being the Exhibits of a memorial presented to Her Majesty the Queen of Great Britain in the year 1812.*

<sup>d</sup> L. S.

<sup>e</sup> February 16, 1843. See Calendar.

<sup>f</sup> April 11, 1843. See Elliot to Jones, November 15th, 1843.

HOUSTON TO ELLIOT.<sup>a</sup>

EXECUTIVE DEPARTMENT,  
WASHINGTON, May 6th., 1843.

To Capt. CHARLES ELLIOT,

Etc. etc. etc.

MY DEAR SIR—In the absence of the Secretary of State, by way of a familiar epistle, I design to communicate some official intelligence which is due to Her Britannic Majesty's government as well as to that of Texas.

*I have assured you that no aggressive action would take place on the part of this government against Mexico, beyond our avowed limits, unless it should be rendered necessary by the acts of Mexico towards Texas.* In despite of this assurance, our navy has gone to sea. In doing so, I can only say that the Commander has committed the most flagrant outrage possible upon his country and the law of nations.

That you may assure your government that it has not been perpetrated with or by my connivance, I take pleasure in forwarding to you a proclamation and order; and that you may have it in your power to make such representations to the government of Her Majesty as will vindicate the head of this nation from the imputation of insincerity and duplicity. The crime is one of great atrocity and I have availed myself of the first moment to apply the only corrective in my power. All that has been done by Commodore Moore since the 5th. ultimo has been in violation of orders under suspension and arrest. You can now judge of matters.

On the 5th. of April, the order of the Department of War and Marine was placed in his hands, since which time he has ordered a court-martial, approved the proceedings and executed the sentence.

By the copy of a letter of instructions,<sup>b</sup> also forwarded, which I delivered to one of the commissioners with orders to proceed immediately to its execution, you will find a clear anticipation of the course which would be attempted by Commodore Moore, and the precaution taken to prevent evil.

Such measures as you may be authorised to adopt for the present, apart from communicating the facts to your government, I trust will be adopted.

I am very truly your friend,

<sup>a</sup> See Records of Department of State (Texas), Book 40, pp. 245-246.

<sup>b</sup> See Calendar of Correspondence with Yucatán, under title of Houston to Morgan and Bryan, March 23, 1843.

JONES TO SMITH.<sup>a</sup>

DEPARTMENT OF STATE  
GALVESTON May 8th 1843

Hon. ASHBEL SMITH

*Charge d'affaires of Texas*

SIR

On my arrival at this place the day before yesterday, I received your Official Dispatch of the 31st March last.<sup>b</sup>

\* \* \* \* \*

I enclose you herewith a copy of the translation of a document etc. (as in the letter of this date to Mr. Van Zandt.<sup>c</sup>)

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ABERDEEN TO ELLIOT.<sup>d</sup>

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DOYLE TO ELLIOT.<sup>e</sup>

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JONES TO SMITH.<sup>f</sup>

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DECLARATION OF THE TEXAN GOVERNMENT TO GOVERNMENTS OF ENGLAND AND FRANCE.<sup>g</sup>

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ELLIOT TO JONES.<sup>i</sup>

GALVESTON June 10th 1843.

The Undersigned etc. etc. etc. has the honor to acquaint Mr. Jones that H. M. Sloop "Scylla" arrived here last night bringing him despatches from Mr. Percy Doyle H. M. Chargé d' affaires near that Government, an extract from which is herewith transmitted. Mr. Doyle states indeed that General Santa Ana does not seem at present

<sup>a</sup> Though no signature is attached, the draft on file was evidently written by Jones himself.

<sup>b</sup> See Correspondence with France.

<sup>c</sup> Here is omitted a paragraph referring to Smith's salary.

<sup>d</sup> The words in parentheses are intended to direct the clerk who was to copy the letter for transmission. The sentence preceding the parenthesis is a quotation from the letter to Van Zandt, indicating where the copyist was to begin in transcribing it. As the records of the Department of State show, the remainder was copied. For the letter to Van Zandt, see Correspondence with the United States. For the translation which was enclosed, see *The Morning Star* (Houston), May 4, 1843; *Miles' Register*, LXIV, 97.

<sup>e</sup> May 18, 1843 (extract). See Elliot to Jones, June 18, 1843.

<sup>f</sup> May 27, 1843 (extract). See Elliot to Jones, June 10, 1843.

<sup>g</sup> June 10, 1843. See Calendar of Correspondence with France.

<sup>h</sup> June 10, 1843. See Jones to Smith of same date.

<sup>i</sup> A. L. S.

at all inclined to give way upon the acknowledgment of the Sovereignty of Mexico by Texas, though the fallacy of that idea was strongly urged upon him.

But the Undersigned sincerely hopes that His Excellency the President will think that this official communication of the President of Mexico's dispositions to himself, and the nature of those dispositions will justify him in agreeing to the proposed armistice, and at once proclaiming it; and in making the necessary arrangements for the early dispatch of Commissioners to the City of Mexico. The Undersigned cannot but trust that these advances will end in an honorable and desirable pacification between the two Republics, and He is assured that no friendly effort will be wanting upon the part of Her Majesty's Government to secure that result.

Her Majesty's Sloop will remain here for any reply that the President may authorize him to make to this communication, but He hopes He may be excused for requesting that it may be hastened as much as possible.

He avails himself of this occasion to renew to Mr. Jones the expressions of his high consideration with which he has the honor to remain

His most faithful Servant,

CHARLES ELLIOT.

The Honorable

ANSON JONES

Secretary of State

etc. etc. etc.

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Extract from a despatch from Percy W. Doyle Esqr. Her Britannic Majesty's Chargé d'affaires in Mexico to Captain Charles Elliot etc. etc. etc. in Texas, dated Mexico May 27th. 1843.

" I further stated to him (General Santa Aña<sup>a</sup>) how useless I felt " it would be to send Commissioners to treat on any terms so long as " the present warfare was carried on; and His Excellency has authorized me to acquaint you for the information of General Houston, " that He will agree to an armistice, and He told me He would at once " give orders for a total cessation of hostilities on his part, and requested that General Houston would send similar orders to the different officers Commanding the Texian forces; and that in such case " he was ready to receive any Commissioners which might be sent " from Texas to treat on the terms proposed by him."

Signed,

PERCY W. DOYLE.

Copy

CHARLES ELLIOT

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<sup>a</sup> This name was doubtless inserted by Elliot.

JONES TO ELLIOT.

DEPARTMENT OF STATE

Washington June 15th 1843

The Undersigned Secretary of State of the Republic of Texas, has received the very kind communication which Captn. Charles Elliott Her Britannic Majesty's Chargé d'Affaires to this Government did him the favor to address him on the 10th Inst, together with the Extract of a despatch from Mr. Percy W. Doyle Esq H. M. Chargé d'Affaires at Mexico communicating to this Department the intelligence that Gen Santa Anna would agree to an armistice, and give orders for a total cessation of hostilities on his part, and that he requested that Gen. Houston would send similar orders to the different officers commanding the Texian forces etc.

This important communication was immediately placed before the President who has directed the Undersigned to express to Captn Elliott his lively sense of the good offices rendered in this matter by the officers of her Majesty's Government and his high appreciation of the friendly feelings which her Majesty's Government have evinced in its efforts to effect an honorable and a durable pacification between this country and Mexico. Sincerely desiring this object himself, the President has acquiesced in the Measure proposed by Gen Santa Anna and issued a proclamation, declaring an armistice and ordering all the officers commanding the forces of this Republic to observe the same, an authentic copy of which is herewith enclosed for such disposition as Capt Eliott may think most proper to make of it.<sup>a</sup>

As the continuance of the armistice was not specified by the President of Mexico Gen Houston, has thought proper it should be during the pendency of negotiations for peace, and that should either Government determine to renew hostilities, that due notice of such determination should be given to the other government through H. B. M. Representatives in Texas and Mexico.

The Undersigned believes that Capt Elliott will perceive the importance of such an arrangement as it will by giving the Armistice some definite duration better enable the two governments to deliberate calmly and secure from interruption upon the settlement of their difficulties

The Undersigned has therefore the honor to request Capt Eliott should he deem the same proper, as well as consistent with his official duty, to cause to be transmitted to Gen Santa Anna through H. B. M. Chargé d'Affaires at Mexico this preliminary proposition previous to the appointment of Commissioners from this Govt.

<sup>a</sup> For the proclamation, which is dated June 15, 1843, see *Niles' Register*, LXIV, 307.

Should the President of Mexico concur in this course, it is then left with him to designate the length of time which notice should be given, by the respective parties as above, before the renewal of hostilities.

The Undersigned has the honor further to say to Captn Elliott that Commissioners will be appointed by this Govt. and sent to Mexico immediately upon a satisfactory adjustment of this point.

The Undersigned avails himself of this occasion to renew to Capt. Elliot the assurances of the high consid[eration] with which has the honor to be

His very Obedient Servant

(signed)

ANSON JONES

Capt. CHARLES ELLIOT

*H. B. M. Chargé d'Affaires*

*etc. etc. etc.*

JONES TO SMITH.<sup>a</sup>

(Copy)

DEPARTMENT OF STATE

WASHINGTON June 15th 1843

Hon. ASHBEL SMITH

*Chargé d' Affaires, etc. etc.*

SIR

Since my communication to you of the 10th Inst, information has been received from Mexico through H. B. M. Chargé d' Affaires near this Govt. that Gen. Santa Anna has given orders for a cessation of hostilities on his part and that he would agree to an armistice with Texas, and receive Commissioners to treat on terms of peace

Copies of the several documents in relation to this matter together with the Presidents Proclamation of an Armistice are herewith enclosed for your information.<sup>b</sup>

As this information somewhat alters the aspect of our affairs, you will defer for the present communicating the "Declaration" which you were instructed to make to the Governments of Great Britain and France in my dispatch to you of the 10th Instant

I have the honor to be

with the highest regard

Your very Obt. Servant

(Signed)

ANSON JONES

<sup>a</sup> Copies of this were sent both to Smith and to Van Zandt.

<sup>b</sup> The documents referred to must have included Elliot to Jones, June 10, 1843, with its inclosed extract from Doyle to Elliot, May 27. For the proclamation, see *Niles' Register*, LXIV, 307.

P. S. There will be no impropriety perhaps in your letting Mr. Guizot and the Earl of Aberdeen have the perusal of my whole despatch of the 10th Inst., as it indicates the course which this Govt may have to pursue in the event of the negotiations with Gen Santa Anna failing.

A. J.

(Duplicate sent to I. Van Zandt Esq.)

SMITH TO DAINGERFIELD.<sup>a</sup>

LONDON 3 ST. JAMES STREET

June 16th. 1843

MY DEAR SIR

I have this moment received yours of the 12th Instant from Paris. I am glad to welcome you in Europe. I wrote to our Consul at Havre to ask you to join me in London. I am sorry that I have made such arrangements and appointments official and private that I cannot conveniently leave London before the 1st of July. Can you not immediately on the receipt of this come to London. You would arrive here on the 21st. We should have ten days together here. We would then return to Paris in company or make such other arrangements as may seem best. It costs but a trifle more to travel than to remain stationary. So step into the Diligence or take the Railway to London. Take a Cab for 3 St. James Street, then enquire for my Lodgings, and come with your luggage at once and take your quarters with me. I have many things to say but defer all in the hope of soon meeting you. Very sincerely and truly yours

(Signed) ASHBELL SMITH

Hon Wm H DAINGERFIELD

*etc., etc., etc.*

You will doubtless see the Texas news brought by the last Boston Steamer. I have an interview to day with Lord Aberdeen and should be glad to see you in London before I leave in view of any new matters which you may suggest.

SMITH TO JONES.<sup>b</sup>

LEGATION OF TEXAS, LONDON,

June 16, 1843

Hon ANSON JONES

*Secretary of State*

SIR,

I have had interviews with the Earl of Aberdeen and also with Mr Addington one of the Under Secretaries of State for Foreign Affairs.

\* See Records of Department of State (Texas), Book 55, pp. 12-13.

• A. L. S.

As the affairs of Texas fall within the division of Mr Addington who attends to the details of business, and as no difference of opinion was expressed by the two gentlemen, you will perceive that the statements and remarks of Mr Addington possess an official character and are entitled to the same consideration as those made by Lord Aberdeen.

To my inquiry of the Earl of Aberdeen concerning the prospect of peace being established between Texas and Mexico through the mediation of other Governments, I did not receive any encouragement whatever to hope that this mediation will be successful. It was added that the British Representative at Mexico had been silent for some time on this subject, as it had been deemed that the further pressing of it upon Mexico could accomplish no good end.

Mr Addington was still more explicit than Lord Aberdeen and appeared to base his opinions in a considerable degree, on the statements and opinions of Mr Packenham, the British Minister at Mexico recently returned to England on leave of absence. Mr Packenham immediately previous to his leaving Mexico had a long conversation with General Santa Anna on this subject. Gen Santa Anna, it was stated, could not retain his power two days, if he should entertain the question of recognizing the independence of Texas. Mr Packenham clearly understood General Santa Anna to be himself personally, utterly hostile to admitting our Independence. General Santa Anna informed Mr Packenham of his intention to make propositions to Texas of the nature of those mentioned by Judge Robinson.<sup>a</sup>

At this part of our conversation Mr Addington clearly permitted me to draw the conclusion, without however affirming it, that the "propositions" may be for the purpose of gaining time by Mexico to dispose of Yucatan, with the determination as evinced by other acts of General Santa Anna mentioned by Mr Addington at the moment, to take active measures hereafter to subjugate Texas.

Mr Addington concluded by dwelling somewhat on the "indomitable obstinacy" of the Spanish Character and he reiterated the opinion that we have nothing to anticipate from the mediation of other Governments.

We may rely on the fact that the British Government do not look for peace between Texas and Mexico as likely to be effected by the mediation of other Powers.

The tone of Lord Aberdeen and Mr Addington was very friendly towards Texas, and I have every reason to be pleased with the frank and courteous consideration which they gave to the subject in question; but I do not believe that we possess the sympathies of the British Government in a greater degree than Mexico does.

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<sup>a</sup> See Calendar of Correspondence with Mexico, under date of March 27, 1843.

In regard to the "propositions" said to be made by General Santa Anna agreeably to his intention expressed to Mr Packenham, I intimated to Lord Aberdeen that they might be a pretext for discontinuing hostilities against Texas preliminary to a peace to be established eventually on another basis; and that these propositions might be the result of the friendly offices of Her Majesty's Government. Lord Aberdeen said he was not aware that they originated from these offices, nor did he appear to regard this possible interpretation of their object as the correct one.

Various other matters connected with Texas and Mexico were spoken of more particularly in my conversation with Mr Addington, who treated them in view of the entire failure of the mediation and of the future resumption of hostilities by Mexico. In relation to Commodore Moore, Mr Addington intimated that having been disavowed by the Texian Government, it would [be] the duty of all to capture him as being engaged in a piratical expedition.

I take the liberty of recommending the subject of this Despatch very respectfully to the attention of your Department, as there was an explicitness in the opinions expressed, which leaves no room for doubt or uncertainty.

I am informed that emigrants are being engaged, that is, soldiers are recruiting for the services of Mexico against Texas. I have not yet obtained such information as would authorize me to mention this subject to the British Government. My careful attention will be directed to this matter.

The Tartar, a vessel laden with guns and munitions of war for Mexico, took fire a few days since in a British Port, blew up and her cargo went to the bottom.

I have just learned the arrival of Col Daingerfield at Paris, and expect to meet him in a few days.

With great respect, your very obedient servant

ASHBEL SMITH.

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ELLIOT TO JONES.<sup>a</sup>

GALVESTON June 18th. 1843.

The Undersigned etc. etc. etc. has the honor to acquaint Mr. Jones that He has just received a despatch from the Earl of Aberdeen dated on the 18th. Ultimo, in which His Lordship instructs him to "assure" the President of the continued interest which the British Government takes in the prosperity and Independence of the State of "Texas, and of the full determination to persevere in employing their endeavours, whenever they see a reasonable hope of success, to

"bring about an adjustment of the differences still existing between Mexico and Texas, of which they so much lament the continuance."

The Undersigned entertains the strong hope that the present attitude of circumstances will favor the early accomplishment of these friendly and earnest dispositions of Her Majesty's Government.

He begs to offer Mr. Jones the renewed expressions of high consideration with which He has the honor to remain

His faithful Servant

CHARLES ELLIOT.

The Honorable

ANSON JONES,

*Secretary of State*

*etc. etc.*

*Washington.*

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JONES TO ELLIOT.

DEPARTMENT OF STATE

WASHINGTON June 28th 1843

The Undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the note of Capt Elliot Her B. Majesty's Charge d' Affaires of the 18th Inst, communicating by instructions of Her Majesty's Government, an extract of a despatch from the Earl of Aberdeen containing assurances of the continued interest which the British Government takes in the prosperity and Independence of Texas etc.

The Undersigned having laid before the President the note of Capt Elliot has been instructed by his Excellency to request that Capt Elliot will inform Her Majesty's Government that he has received with the most lively satisfaction these assurances of the friendly dispositions evinced towards Texas on the part of Great Britain, and that he has at no time failed to entertain the most perfect confidence in the sincerity of these dispositions on her part, and of her earnest desire to interpose and exert her good offices whenever a favorable opportunity offered, to incline Mexico to listen to the counsels of peace, and to bring about an adjustment of the present difficulties between Mexico and Texas.

The Undersigned, unites in the hope expressed by Capt Elliot that the present posture of circumstances will promote the early accomplishment of these friendly and earnest dispositions of Her Majesty's Government. The evils of war are much to be deplored even when necessity impels a nation to that resort, and the Texian Government having on so many occasions manifested a desire for peace will omit

no proper means in her power to give efficacy to the endeavors now making by Her Majestys Government for its attainment

The Undersigned prays Capt Elliot on this occasion to receive renewed assurances of the very high consideration with which he has the honor to remain

His Most Obedient  
and faithful Servant

Signed                    ANSON JONES

SMITH TO DANGERFIELD.<sup>a</sup>

3 ST JAMES STREET LONDON

June 28th 1843

MY DEAR SIR

Mr. E L Barnard of Texas now in London has made application through Mr Herckenrath our Consul at Amsterdam for the appointment of Dutch Consul at Galveston. Mr Barnard wishes you to second his application on any proper occasion in such manner as you shall feel authorised to do. Mr. Barnard brings me from Genl Houston a very special and commendatory letter of introduction which I have forwarded to Mr Herckenrath at Amsterdam. The acquaintance I have had with Mr Barnard in Europe has impressed me very favorably in his behalf. I regret very much that you have not come to London. I wish much to confer with you on some public matters. I mean on subjects which concern Texas. You are aware doubtless that the abolition of slavery in Texas is now agitated. Mr. S. P. Andrews of Houston is now in London devising with the Quakers and others the means of effecting this object. They have had an interview with Lord Aberdeen who assured them that the "Government of Great Britain would omit no legitimate means to accomplish this great end." I need scarcely say to you that my opinions are quite adverse to abolition, and I would add, that I have no belief that any considerable European or rather British emigration would shortly flow into Texas as is promised even were slavery abolished. I will not however attempt to consider this important subject in a letter. My departure from London is now delayed until the 10th. or 12th. of July. Will you have the goodness to enclose any letters you may have for me—no newspapers in a strong envelope, seal and direct it to me *officially* with an [explanatory?] word in one corner that they are from your Chargé d'affaires at La Haye etc. and ask Mr Pickford British Consul at Paris No 39 Rue St Honore *to forward in the Ambassadors bag*. This is entirely correct and you need

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 14-15.

have no delicacy whatever in making this request of Mr Pickford as it is daily done by Foreign Ministers. Do not fail to write to me at the same time and believe me very truly yours

(Signed)      ASHBEL SMITH

Wm HENRY DAINGERFIELD Esqr

etc. etc. etc.

SMITH TO JONES.<sup>a</sup>

No 41

LEGATION OF TEXAS, LONDON

42 St James's Place, July 2, 1843

Hon ANSON JONES

*Secretary of State*

SIR,

I have the honor to acknowledge the receipt of despatches from your Department, dated May 8th, inclosing the translation of a document furnished to Mr. James W. Robinson by General Santa Anna.

In my despatches of June 16, No. 40. I communicated to your Department details of interviews I had with the Earl of Aberdeen Her Majesty's Principal Secretary and with Mr Addington Under Secretary for Foreign Affairs. In these despatches I stated that in the opinion of the British Government there exists no ground for hoping that peace can be established between Texas and Mexico by the mediation of friendly Powers; and further that the British Minister at Mexico had for some time past ceased to present this subject to the attention of the Mexican Government.

I beg permission to call your notice to the fact that in my despatches written last autumn and winter, I stated my strong conviction that in regard to the establishment of peace with Mexico, Texas had nothing to expect from British mediation, nor from the good offices of France though these were exerted with sincerity and much earnestness. This opinion was expressed with great explicitness in letters addressed by me to the Hon Mr. Van Zandt, Chargé d'Aff: of Texas at Washington on the 25th of January last. As the abolition of Slavery in Texas in connection with the "mediation" was the subject treated of in the letters to Mr. Van Zandt and will also form the principal of the present despatch, and as the copies of the letters in question sent to your Department appear not to have reached you,<sup>b</sup> I hereto annex other copies of these letters and wish them to be considered as forming part of the present communications.

<sup>a</sup> A. L. S.

<sup>b</sup> See Smith to Jones, January 28, 1843. The surmise that the copies of the letters to Van Zandt had not reached the Texan government was apparently correct. None have been found in the files except those inclosed in this letter and printed below.

The desire of the British Government and of a considerable portion of the British public to procure the abolition of Slavery in Texas, as I have often stated in my despatches, cannot I presume be unknown to the Government and Citizens of Texas. I do not deem it within the sphere of my official duty to suggest any reasons whatever for or against the abolition of slavery. I shall therefore confine myself to the statement of facts bearing on this subject as connected with the efforts made in England, which have fallen under my observation here. It is of the highest consequence, in my opinion, that these facts and considerations should be known and duly appreciated in Texas.

I learned from the newspapers that the abolition of Slavery was agitated in Texas. A letter from Mr A. J. Yates to a gentleman in London which was shown me, mentioned that he had held conversations respecting abolition with the British Chargé d'Aff: Captain Elliott and that this gentleman had made it the subject of a communication to his Government. About a fortnight since I saw Mr S. P. Andrews at a meeting of the "General Anti Slavery Convention" in this town. The abolition of Slavery in Texas was among the objects of his visit to Europe, and I have had several full conferences with him on this subject. He has been and continues to be actively engaged with some parties in London in devising means to effect abolition. He has had interviews on the subject in question with Lords Aberdeen, Brougham and Morpeth and with other persons, all of whom are extremely eager to accomplish this purpose. Lord Aberdeen said 'Her Majesty's Government would employ all legitimate means to attain so great and desirable an object as the abolition of Slavery in Texas,' and he used other expressions of the same purport. These observations were made to Mr Andrews and the Committee of the Anti Slavery Convention which waited on his Lordship. The Anti Slavery Convention gave the subject of abolition in Texas a very full consideration, deem it of great importance, will spare no efforts to accomplish it, and count confidently on the co-operation of the British Government. I was present at this meeting of the Convention and heard Texas described as the hiding place of dishonesty, as the refuge of unprincipled villains, swindlers and criminals escaped from the hands of justice in other countries; and that to this general character our population presented only occasional or rare exceptions.

Different plans or ways of effecting and carrying out abolition have been proposed here. Among the principal is, first, a Loan to Texas to enable the Government to purchase the slaves and emancipate them, on the condition that the introduction of slaves hereafter be prohibited. Lord Aberdeen said the British Govt. would

guarantee the interest of a Loan raised and applied for this purpose but no other Loan whatever. A second plan is the raising of a sum of money to buy large quantities of land in Texas on the same condition, namely the abolition of slavery; but according to the latter plan no credit is to stand open against Texas: the monies proposed to be paid for lands are to enable Texas to abolish slavery, and the lands are to become the *bona fide* property of those who furnish the money and to be held by them in fee simple. A plan similar to the second, is recommended by Mr Andrews. The plan at one time contemplated of encouraging an emigration to Texas which should "vote down" slavery, has been wholly abandoned as tedious, expensive, uncertain and inconsistent with the views of England *which wishes to direct all its emigration to its own colonies*. I am not informed of the nature of Captain Elliott's instructions on this subject from his government.

Among the main inducements urged here, and one which will be strongly presented to the citizens of Texas in favor of abolition and especially on the basis of the second plan mentioned above, is that an immense emigration would thereupon forthwith flow into Texas from Europe. I have deemed it my duty to inquire carefully in reference to the importance of the emigration we may expect from this country to Texas in the event of abolition. Several intelligent gentlemen, themselves abolitionists and with the best means of information on these matters, have assured me after much inquiry and reflection, that Texas ought not to be deceived into the opinion that emigrants would flock there, even were slavery abolished. They add that the parties principally active on this subject can, and if they promise, doubtless will furnish money; but that money alone is not sufficient: that, unless emigration is spontaneous and from a conviction on the part of the emigrants that they will greatly improve their condition, no considerable or valuable population can be thus obtained. I was also assured that in the event of the abolition of slavery at the present time in Texas, the collisions to be apprehended with citizens of the United States proceeding into Texas to reclaim fugitive slaves would prove a more serious obstacle to the introduction of settlers from Europe than the existence of slavery and hostilities with Mexico now are deemed. From the care and fullness of my inquiries touching emigration I rely very confidently on the opinions just expressed.

It has been distinctly intimated that slavery being abolished in Texas, the British Government would interpose more efficiently with Mexico to obtain from that country an acknowledgment of the independence of Texas. From the paramount influence of England in Mexico I doubt not the British Government might without difficulty procure this result. We once promised to pay them for their good

offices in our behalf, unfortunately in our financial embarrassments we did not possess the means. From my observation here I cannot advise the making of concessions by Texas for a more vigorous employment of the good offices formerly stipulated.

There is a considerable party in this country who desire the abolition of slavery in Texas, in order that it may become a refuge for fugitive slaves from the United States; persons who anticipate its becoming in the event of abolition a sort of continental Hayti, populated chiefly by blacks; persons who do not expect or desire that it should ever be the resort of European emigrants except merely in sufficient numbers to guide the operations of the black population. This is not a recent project. I quote from a letter written in 1839 by Mr. Daniel O'Connell a leading abolitionist and possessing very great influence especially in Ireland, as follows:—"That an address be "presented to Her Majesty praying that she may be pleased to give "directions to her Ministers to endeavor to make such an arrangement with the Government of Mexico as would place at their disposal such a portion of the unoccupied territory of that Republic "on or near its *northern boundary*, as should be sufficient for establishing an asylum, or *free state of persons of color*, her Majesty's "subjects, who may be desirous to emigrate to and establish such free "state."

Your department will fully understand that I do not introduce the following topics as if it were the duty of Texas to look after the interests of the United States, but that Texas may not be misled into becoming the willing instrument to injure the United States for the benefit of others to its own great inconvenience and harm. The abolition of slavery in Texas by itself considered, is not regarded in England as of any great importance, but it is ardently desired as preliminary to its abolition in the United States and for the purpose of placing Texas in a rival if not unfriendly attitude towards that country. Besides motives of philanthropy, the British people wish the abolition of slavery in America in reference to the culture of sugar and cotton, in which there exists a rivalry with their colonies, and in reference to the advantages which the production of cotton in America gives to its manufacturers and the employment which these staples afford to American shipping. You will not hence be surprised to learn that on several occasions indeed generally, where the abolition of slavery has been discussed I hear it mainly advocated for its anticipated effects on slavery in the Southern U. States and eventually on the agriculture, manufactures and commerce of that country. I have alluded to this topic as the nature of the motives should lead to a careful scrutiny of any propositions.

Having expressed my opinion so clearly of some of the motives which influence parties in England aiming to effect the abolition of

slavery in Texas, I deem it proper to add that nothing has fallen under my observation which should lead me to suppose that the British Government were insincere in undertaking to mediate a peace between Texas and Mexico or that they now entertain any sinister purposes in regard to Texas. Their policy in relation to slavery in all other countries is avowed, and they will cooperate by all legitimate means with any parties in their own country having for their object the abolition of slavery in Texas.

I trust that your Department will not perceive in this Despatch any disposition to discuss the question of the abolition of slavery in Texas. That subject I leave to the country. But it seems to be within the limits of my duty to state to your department my clear conviction that there are parties here of considerable influence which are endeavoring to abolish slavery in Texas indifferent to the consequences to that country, that they are prepared to profit by our supposed difficulties and to hold out inducements and make promises that will prove illusory. I will also add my well matured opinion that there do not exist any grounds for believing that an increased emigration would flow from Europe into Texas upon the abolition of slavery.

I have felt some doubt respecting the course I ought to pursue in relation to the efforts making in England on the subject in question.

I have determined for the present time to confine myself to the silent and careful observation of facts and their transmission to your department.

The attempt made a short time since to recruit two regiments here for the Mexican service, has been suspended by a disagreement between the parties respecting the advancing of funds to meet present expenses.

I have the honor to be  
very respectfully  
your most obedient servant,

ASHBEL SMITH.

(Copy.)

ASHBEL SMITH TO ISAAC VAN ZANDT.

PARIS PLACE VENDOME

January 25, 1843.

*Confidential*

SIR

I never omit writing to our Government by the Liverpool and Boston Steamers. Some of my despatches are surely of considerable importance; yet from the tenor of the news from Texas, it appears that several of them have not been received.

The present letter will treat of a matter in my opinion of much importance. I regret that I cannot enter as fully into details on one portion of it as I desire.

You are of course aware of the Treaty whereby England agreed to use its good offices in mediating a peace between Texas and Mexico, and of the utter failure of that mediation.<sup>a</sup>

You are also doubtless aware that I was instructed to invite the Govt. of France to act in concert with England and the United States in making a joint representation to Texas and Mexico—That France acceded to that invitation with alacrity and every manifestation of friendly spirit, and instructed its Ambassador at London to present this subject to the British Govt.;—and that the British Govt. positively refused to act in concert with France and the United States in this matter. The French Govt. on the refusal of Great Britain to act jointly, instructed their Minister at Mexico to tender *separately* their good offices to the Mexican Govt. to bring about if possible an amicable arrangement between this power and Texas. Here the mediation rests. Nothing has been accomplished nor is likely to be accomplished by any mediation in its present shape. The English influence at Mexico is alone paramount.

You are also aware that in the mean time two Steam Frigates, the Guadaloupe and Montezuma were fitted out in England for the Mexican Govt. Their models of building and arming, I was informed in London were furnished by the British Admiralty; they were fully armed, manned with British Seamen and commanded by officers of the Royal Navy. The Guadaloupe sailed from Liverpool with her armament mounted and ready to beat to quarters for action. Supplementary officers, gunners, went out to serve on board the other vessels of the Mexican Navy. These things were done with the full and avowed knowledge of the destination and purpose of these vessels by the British Ministry and in *violation* of their own laws, as was *expressly* declared in an order of the Lords of the Treasury, of which order I possess a copy.

In the replies however of Lord Aberdeen to my protests, he denies the fitting out of these vessels to be a violation of International Law.

There are many points and facts in our recent relations with England to which I would gladly call your attention; but I must omit them for want of space.

The English Govt. in recognising Texas were influenced by several considerations. One of these was our ceding to them "the right of search" which they made a *sine qua non* of recognition. England was particularly desirous at that time to isolate the United States on this great question. Next, that Govt. were afraid that Texas might be annexed to the American Union. They desired our separate ex-

<sup>a</sup> See Gammel, *Laws of Texas*, II, 886-888.

istence for commercial reasons, as a consumer of their manufactures and a producer of cotton not subject to the tariff restrictions of the United States, and also as a means of attacking that tariff by smuggling through Texas. They desired our separate existence as interposing a barrier to the incroachments of the United States upon Mexico.

There now exists another matter which has been entertained for *some months* in England; whether or not, for a longer period I am unable to say. I will develope it in a separate paragraph.

It is the purpose of some persons in England to procure the abolition of Slavery in Texas. They propose to accomplish this end by friendly negotiation and by the concession of what will be deemed equivalents. I believe the equivalents contemplated are a guarantee by Great Britian of the Independence of Texas—discriminating duties in favor of Texian products and perhaps the negotiation of a loan, or some means by which the finances of Texas can be readjusted. They estimate the number of Slaves in Texas at 12,000 and would consider the payment for them in full, as a small sum for the advantages they anticipate from the establishment of a free State on the Southern borders of the Slave holding States of the American Union.

In July last in London, two matters were submitted to me in conversation by a person then and now having relations with the British Govt. One was, whether the people of Texas would listen to and consider a proposition from the English Government to abolish Slavery in consideration of concessions and equivalent advantages to be offered by that Govt. The second matter was, whether Texas would not be induced to divide itself into two States, one slave-holding the other nonslave holding. It was argued that but few slaves would probably be introduced into Western Texas by reason of its proximity to Mexico, and that therefore, it would be conceding but little to establish "a free state" on this frontier; and the Colorado was proposed as a dividing line. I do not know to whom is due the initiative of these matters; but I was informed that the propositions in question, had been a subject of conversation with Lord Aberdeen. And I am aware that in another conversation in which Lord Aberdeen took part, it was maintained that the population which would flock into this "free state" from Europe would be enabled to vote down the Slave holders, and thus the Texans would of themselves establish an entire non-slaveholding country.

Although I carefully noted these conversations from the mark of the person with whom I had them, I did not probably fully estimate their significance.

I may be mistaken in regard to the equivalents to be offered by England as they were not dwelt upon in detail. But in regard to

the two propositions, one to abolish slavery throughout the entire territory; the other to establish a nonslave holding state in Western Texas; and in regard to the personal standing and relations with the Govt. of the Gentleman making the propositions, I cannot be in error.

Until within a few months the British Govt. undoubtedly desired the establishment of peace between Texas and Mexico—Texas remaining a slave holding country—chiefly from an apprehension, that if the contest continued Texas might be thrown into the American Union. That Govt. are now convinced that Texas cannot be admitted into this Union, and that a decisive attempt on the part of the Southern States to receive Texas would endanger the stability of the Union

Have the British Govt. now the same motives as formerly for desiring peace between Texas and Mexico? May they not imagine that the present disturbed condition of our country continuing—enterprise and industry being paralyzed—our citizens being wearied out with a harassing war, which has checked Emigration, prevents the cultivation of our soil and the development of our resources. We may be more ready to yield the point of slavery in exchange for England's guarantee of our Independence and some commercial and financial advantages? Whether the equivalents mentioned will be those proposed. I repeat, I do not certainly know. But rely on it, as certain, that in England it is intended to make an effort, and that some things are already in train to accomplish if possible the abolition of slavery in Texas. And might not Texas exhausted as just described, listen in a moment of folly to such overtures from the British Govt?

In the meantime, rely on it we have nothing to expect from the continued offer of British mediation to Mexico on its *present basis*.

As little have we to expect from the good offices of France, although sincerely and faithfully employed, so long as they are separately exerted as at the present time.

The independence of Texas and the existence of Slavery in Texas is a question of life or death to the slave holding states of the American Union. Hemmed in between the free states on their northern border, and a free Anglo Saxon State on their southern border and sustained by England, their history would soon be written

*The Establishment of a free state on the territory of Texas is a darling wish of England for which scarcely any price would be regarded as to great. The bargain once struck what remedy remains to the south?*

France and the United States might conjointly decide at once the affairs of Texas and Mexico without the concurrence of England

The generous promptness with which France acceded to the former invitations induces me to beleive she would cooperate with the United

States on an invitation emanating from this Power. France will not take the initiative and make the invitation to the United States.

Does it not behoove the American people particularly of the Slave holding states to look to this subject; and the American Government single handed or in concert with France to declare to the world their determination to maintain the *Independence* of Texas and the integrity of her institutions?

The foregoing letter has been drawn up in haste. Some things have been omitted which it would have been well to mention. I might have explained how the recall of the British officers was a practical nullity. But notwithstanding the haste, every sentiment I have expressed has been carefully weighed.

I am with sentiments of great respect Your very  
obedient humble Servant

signed,                   ASHBEL SMITH

To Hon. ISAAC VAN ZANDT

*Chargé de Affaires of Texas at Washington City*

A correct copy

ASHBEL SMITH.

(Copy)

No 2

ASHBEL SMITH TO MR. VAN ZANDT.<sup>a</sup>

\* \* \* The subject of the accompanying letter and the purposes there mentioned will perhaps occasion some surprise and at first be difficult of belief. You may however rely on the facts, and that something has been brewing for some time past in England, having for its end the establishment of a non-slave-holding state in our territory. Whether these projects will ever assume a definite outward form and be put into action, or whether the English Govt has taken any further part therein, further than to have had information of the same I am yet unable to say.

If the southern states are wise, they will require the general Govt to express a decided opinion in regard to the *Independence* of Texas, and to the termination of the contest between us and Mexico, and further to declare that they will not permit Texas to become in any way a dependance on any foreign power.

The contest with Mexico has now assumed a much graver character than formerly. The British holders of Mexican stocks were the securities of the Mexican consul at London for the building of the Guadalupe and Montezuma steamers. This is a certainly known fact. Large quantities of Mexican stock were issued in London secretly as

<sup>a</sup> The date of this letter must have been the same as that whose copy precedes. See Smith's reference in his letter inclosing these copies to "letters" written to Van Zandt January 25.

you have probably seen, and sold, as was believed, to furnish Mexico the means to operate against Texas. Most of the bondholders are violent *anti slavery* men, their hostility to Texas as a *slave holding country* is extreme, and while it continues such, they would spare no money to subjugate the country, as they believe it would be doing God service. The English Govt may be a very impartial looker on of the contest now waging with Mexico, but it is nevertheless practically true that we have now to contend with Mexico, aided with British mercenaries and British money.

In France I find the best disposition to think favorably of us and although they felt a little sore from the difficulty between the late administration and their Chargé d' affaires, they would forget it all, and do us every good in their power, did not the opposition prints of Texas so bewray our country, defame our Government and calumniate our administration that persons in Europe cannot put confidence in the permanence of our institutions or credit our ability for self government. They await further developments.

My position, you naturally will conceive, is not very pleasant—having to contend against the misrepresentations of Texas by our own citizens. But for these calumnies of our own, we might have been recognized by nearly every power in Europe.

With sentiments of great esteem I am truly yours

signed ASHBEL SMITH

The Hon Mr VAN ZANDT

*Chargé d' affaires du Texas.*

SMITH TO JONES.<sup>a</sup>

LEGATION OF TEXAS, LONDON  
42 St. James's Place, July 3, 1843

Hon. ANSON JONES  
*Secy of State*

SIR,

\* \* \* \* \*

I shall proceed to Paris to meet Col. Daingerfield in about a week from this date, unless the movements being made here for the abolition of slavery in Texas should in my opinion render it proper for me to prolong my stay in London.

With great respect

Your most obedient servant,

## ASHBEL SMITH

- A. L. S.

<sup>8</sup> Here is omitted a paragraph relating to Smith's salary.

SMITH TO DAINGERFIELD.<sup>a</sup>

3 ST. JAMES STREET LONDON

July 6th. 1843

Hon. HENRY WM. DAINGERFIELD

etc. etc. etc.

DEAR SIR

I have this moment received and run my eye over the package you sent me embracing your own very acceptable letter. My Desire to join you in Paris is very great, and I expect confidently to do so in the course of the next week: No private considerations would have detained me in London to the present time. While matters of so much public importance to our Country as the adopting of means in England to abolish Slavery among us have been occupying the attention of influential persons here including members of this Government I have been unwilling to leave London, and especially as the principal inducement which will be held out from Europe to our citizens for this purpose is and will be the immense influx of European emmigrants into Texas upon the abolition of Slavery. Before taking so important a step we ought not only to look at the value of the proposed advantages but be also assured that those advantages will truly accrue. I have made careful inquiries concerning the emigration we may reasonably expect from Europe upon the abolition of Slavery. Intelligent Gentlemen themselves abolitionists though not committed to the busy and meddling projects ever in agitation here have assured me that even under the circumstances in question, they do not believe we should receive any considerable augmentation from this Country. This view and opinion and various others of the same General tenor I have communicated to Mr Andrews. with whom I have had several full conferences. There are other important points connected with this subject on all of which I desire a full consultation with you. I have been and am willing here in Europe to consider every proposition upon or concerning Slavery though I need not intimate to you that I am not at all in favour of any plan of abolition yet proposed. Adding that I have many things to confer with about and being well aware how impatient you must needs be at Paris, I trust you will nevertheless contrive to spend your time agreeably untill my arrival next week. In regard to Barnards application I am quite of your opinion though I think he made the same previously to your reaching Europe.

with great regards very truly and faithfully yours

(Signed) ASHBEL SMITH.

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<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 16-17.

ELLIOT TO JONES.<sup>a</sup>

BASIS FOR AN ARMISTICE BETWEEN MEXICO AND TEXAS.<sup>b</sup>

SMITH TO DAINGERFIELD.<sup>c</sup>

3 ST. JAMES STREET LONDON.

*July 11, 1843*

Hon. H. W. DAINGERFIELD,<sup>d</sup> etc. etc.

MY DEAR SIR

I have this moment received your favour of the 9th.; and I can well understand your wish to proceed to your Post at the Hague; It is not greater than mine to return to Paris and nothing but the importance of our interests which have needed watching at London would have kept me there so long. I am to day to present Mr Andrews by his request to Mr Addington under Secretary of State for Foreign Affairs who has expressed to me his willingness to receive Mr Andrews. I have deemed it best to do so as this course puts me in possession of the matters proposed to be treated of with the British Government to wit the abolition of Slavery, and authorises me to make at once a verbal protest agst all proceedings here in England in these Premises. I saw Mr Andrews on Saturday and learned from him in general that the plan of abolition is maturing though he gave me no additonal information touching its details. He is fully aware of my opinion on these matters and of my decided oposition to his project; It is a source of great regret that I cannot have the benefit of your counsels at this time and I must also beg that you will not leave Paris untill my arrival When in Brussels and previously in Paris I had conversations with Leopold and with Count Goblet d' Alviella the Belgian Minister for Foreign Affairs concerning the recognition of Texas by Belgium and I possess some information hereon which you ought to know. Leopold is now in London and will proceed to Paris in a few days where I hope to see him with you Major Samuel Whitney, a friend of yrs is in London, and will accompany me to Paris. Do not leave till the arrival of yours very truly

(Signed)                   ASHBEL SMITH

<sup>a</sup> July 7, 1843. See Calendar.

<sup>b</sup> Undated; but it was copied at Galveston July 25, and the original must have been written some days before. See Elliot to Jones, July 24, 1843.

<sup>c</sup> See Records of Department of State (Texas), Book 55, pp. 17-18.

<sup>d</sup> W. H. Daingerfield.

SMITH TO DAINGERFIELD.<sup>a</sup>

LONDON 17th. July 1843

MY DEAR DAINGERFIELD

I am afraid that I shall not only exhaust your patience but wholly lose my reputation for punctuality. You may *positively* rely on seeing me the present week. Major Whitney and myself *will leave* Wednesday or Thursday Evening. My protracted Departure has been occasioned wholly by the importance of the abolition movements here which I have deemed deserving of carefull attention on my part. I have seen Mr. Addington and other gentlemen but I will not bore you further on these and other matters untill we meet. With great respect yours very truly

(Signed)

ASHBEL SMITH

SMITH TO JONES.<sup>b</sup>

LEGATION OF TEXAS, LONDON

July 21, 1843

Hon ANSON JONES  
Secy of State  
SIR,

His Excellency the Baron de Cetto, Bavarian Minister at this Court, has inclosed to me the accompanying judicial document directed to Mr Francis Peter Hoffmann, a Merchant residing at Houston, and begs leave to inquire whether it would be possible for me to cause the paper to be served on Mr Hoffmann, and to procure Baron de Cetto a certificate of its having been so served.

In my reply to the Baron de Cetto I stated that I would forward the document in question, to Texas together with his wishes in relation to it, by the earliest opportunity.

I am with great respect

Your very obedient servant

ASHBEL SMITH.

P. S. This despatch was delayed in London until this 12th October 1843.<sup>c</sup>

<sup>a</sup> See Records of Department of State (Texas), Book 55, p. 19.

<sup>b</sup> A. L. S.

<sup>c</sup> The dispatch is filed with Smith to Jones, August 22, 1843, and seems to have been transmitted as a part of the same dispatch, which is marked "45."

ELLIOT TO JONES.<sup>a</sup>

GALVESTON July 24th. 1843.

SIR,

I have the honor to acquaint you for the information of the President that I have this day received a despatch from Her Majesty's Chargé d'affaires at Mexico, dated on the 8th. Instant, in reply to my despatch of the 21st. Ultimo, in which I had transmitted an authentic copy of the proclamation issued by His Excellency on the 15th. Ultimo.<sup>b</sup> Those papers were duly communicated to the Government of Mexico, and General Santa Aña informed Mr. Doyle, that with respect to the duration of the armistice He thought that was a matter which could best be decided by the Military Authorities of either party, that hostilities would immediately cease on the part of Mexico, and that General Woll who is in command of the army of the North would receive full powers to treat at once with whatever officer might be sent to him for that purpose by General Houston; that the Commissioners were at liberty to come to Mexico as they thought fit, either by Sea or Land, but He trusted they would be sent with full powers to treat upon the terms of which Mr. Robinson, one of the late Texian prisoners was the Bearer.<sup>c</sup>

You will observe that the Government of Mexico still adheres to the demand for the acknowledgment of the Sovereignty of Mexico on the part of Texas. But possible as it may be that time, and reflection, and the good offices of Powers friendly to both parties may lead to a different temper; it is still incumbent upon me to state what I collect from very recent advices to be the impression of Her Majesty's Government, under the assumption that this demand is indeed as fixed, as it is declared to be; impressions, founded no doubt, upon their opinions of the present temper of the Government and people of Mexico.

In offering these considerations and remarks, I cannot too distinctly disclaim any intention upon the part of Her Majesty's Government, to offer any advice to the Government of Texas upon such a point; neither, however, must I omit to repeat their continued readiness to interpose their good offices, in an entirely neutral and impartial sense, in order to facilitate the termination of this dispute.

It certainly appears to Her Majesty's Government that the propositions of General Santa Aña go far to establish the virtual independence of Texas, although by the first of those propositions Texas is required to acknowledge the Sovereignty of Mexico. And Her Majesty's Government has had recent reason to consider that it is not at all probable General Santa Aña will recede from this demand,

<sup>a</sup> A. L. S.

<sup>b</sup> Of an armistice. See *Niles' Register*, LXIV, 307.

<sup>c</sup> See *Niles' Register*, LXIV, 97.

since, even were He disposed to do so, which He does not seem to be, public opinion would probably effectually oppose him in carrying out that inclination.

Under these circumstances it will be for the Government of Texas to determine what course to pursue. By admitting the nominal concession required of them, peace would be immediately secured, and with peace, commerce and agriculture would flourish, and the foundations of daily increasing wealth and power would be laid.

And if both parties enter upon the task of endeavouring to bring about an adjustment with good faith, and prosecute that task with temper, and a full determination to bring it to a satisfactory issue, Her Majesty's Government, do not perceive in the terms of accommodation proposed by Mexico, suitably modified, any insurmountable obstacle to the conclusion of an agreement on equitable grounds, between the parties.

The President will of course remark that these are the views Her Majesty's Government have formed for themselves, upon the possibility of any early settlement of this contest. But I must repeat that Her Majesty's Government are not prepared to offer any advice to the Government of Texas in this matter, whilst they will very readily lend their good offices, whenever called upon, in order to facilitate the termination of the dispute.

I cannot but express the sincere hope that the President will think himself in a situation to conclude the proposed armistice, and despatching Commissioners to Mexico, endeavour to improve a state of truce, into a state of lasting peace.

With sentiments of the highest consideration, I have the honor to remain, Sir,

Your most obedient  
Humble Servant

CHARLES ELLIOT

To

The Honorable  
Anson Jones  
etc. etc. etc.  
Washington

[Copy.]

Basis of an armistice which General Woll is said to have been authorized to make with an officer sent to him by the Governor of Texas.

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<sup>a</sup> The date of this copy, together with certain other evidence, indicates that it contains the propositions of Santa Anna referred to in Elliot's letter; but its place in the file is uncertain, and the references to those propositions in Elliot's letter make their identity still more uncertain. On the whole, a likelihood appears to be that this document was, at any rate, an inclosure in the letter of Elliot. *Of. Niles' Register*, LXV, 34.

1. El armisticio se sometra á la aprobacion del Gobierno Supremo en perjuicio de que se suspendan immediatamente las hostilidades.

2. Se estipulará en el armisticio que el llamado Gobierno de Tejas mandará Comisionados á esta Capital de la Republica, que hagan á su Gobo. Las proposiciones que estimen convenientes sobre la base de las proposiciones que llevo el Abogado Robinson, y que debirán ser la materia de discussion.

3. El armisticio durará todo el tiempo necesario para aquel objeto; pero se acordera un termino prudente para la renovacion de las hostilidades, cesando fuere resuelta por alguna de las partes interesados, dandose el aviso previo, segun es costumbre practicarlo en casos semejantes.

4. Los Comisionados disfrutaran de las mismas seguridades acordadas á los que envia el departamento de Yucatán, en su vinta, permanencia, y regreso serán protegidos por las leyes, v Autoridades des Mexicanas.

GALVESTON July 25 1843<sup>a</sup>

JONES TO ELLIOT.

STATE DEPARTMENT

Washington July 30th 1843

SIR,

I have the pleasure to acknowledge the receipt of your communication to this Department under date of the 24th. Inst transmitting information received by you from Mr. Doyle H B. Majesty's Chargé d'Affaires at Mexico through his despatch of the 8th. Inst, concerning the pending negotiations for peace between Texas and Mexico; and also advising this government of the views which her Majesty's Government entertains in relation to this interesting subject.

This communication was immediately submitted to his Excellency the President, who has instructed me to return the expression of his kindest thanks for the same and to inform you that concurring in the views entertained by Her Majesty's Govt. he will accede to the proposition made by Gen. Santa Anna, and dispatch Commissioners to treat with Gen Woll upon the terms and conditions of the Armistice and should these be satisfactorily adjusted he will forthwith send Commissioners to the City of Mexico (as mentioned in my despatch of the 15th Ult.) for the final settlement of existing difficulties.

On the 26th Inst. Lieutenant Galan of the Mexican army arrived at this place with a communication from Gen. Adrian Woll, Com-

<sup>a</sup> The date of the copying.

mander in Chief of the Army of the North to the President. A copy of this communication together with the reply of the Secretary of War and Marine I have the honor to enclose you in order that Her Majesty's Govt. under whose auspices friendly negotiations between Texas and Mexico have been commenced and thus far successfully prosecuted may be properly informed of the course which Texas proposes to herself to pursue, in order to allay all causes of irritation, which might endanger or defeat the final successful issue of those negotiations.\*

Should the Govt [of] Mexico be animated by a like sincere desire for removing all obstacles to a successful and happy termination of existing difficulties between the two countries, I cannot but express the hope that our unfortunate prisoners now detained in captivity will be forthwith released. So long as they are detained, and accounts of their sufferings (perhaps exaggerated) continue to reach their friends and countrymen here a state of public feeling will be constantly kept alive, which I much fear will be fatal to every effort at pacification. The President of Mexico has it now in his power to perform an act of justice and humanity towards these men, and at the same time, to evince desires corresponding with those which this Government have shown on so many recent occasions, by obviating this most unhappy cause of irritation and thus removing the only obstacle which now remains to a calm and dispassionate discussion of the points at issue with a view to the attainment of the great and dignified object which the two parties propose to themselves, the establishment of an honorable and a lasting peace. Should you deem it not inconsistent with your public duty I beg leave to request that you will cause these views to be communicated to the Mexican government accompanied with such further representations, as might be deemed proper and consistent with the friendly interest which Her B. Majesty's Govt. has taken in facilitating by her good offices the attainment of this object.

Be pleased to accept on this occasion renewed assurances of the profound respect of

Your very Obt Humble Servt

Signed

ANSON JONES

To

Capt CHARLES ELLIOT.

*H. B. M. Charge d'Affaires  
etc. etc. etc.*

\* Neither Woll's letter nor the reply has been found, but for the substance of Woll's see Niles' Register, LXIV, 400.

SMITH TO JONES.<sup>a</sup>

43

LEGATION OF TEXAS, PARIS

July, 31, 1843

Hon ANSON JONES

*Secretary of State,*

SIR,

I reached my post in this city the 24th Instant on my return from London.

Previously to leaving London, I had a long interview on the 20th Instant with the Earl of Aberdeen Secretary for the Foreign Department, concerning the affairs of Texas. I think it proper here to state that I had reason to be pleased with the full and frank manner in which his Lordship discussed the affairs in question. As a matter of course, he treated the subject mainly and almost exclusively in reference to British policy and interests.

Some time before this interview with Lord Aberdeen, Mr J<sup>b</sup> P. Andrews whom I have mentioned in former despatches as being in London on an abolition mission requested me to present him to Mr Addington. After some reflection I consented to do so, the introduction being in no degree official, as I stated to Mr Addington; and as this course put me fairly in possession of the abolition schemes which had already been presented to the British Government. On this occasion I expressed my utter dissent from and opposition to all operations then carrying on in London, having for their object the abolition of Slavery in Texas.

In my interview with Lord Aberdeen on the 20th Instant, I stated that Mr Andrews' coming to London about abolition was his individual act wholly unauthorized by the Government of citizens of Texas; that tho' there might be some individuals in our country disposed to abolish slavery, I had no reason to believe they were numerous; but on the contrary that I had reason to think no disposition to agitate this subject existed either on the part of the Government or any respectable portion of the citizens of Texas. I also stated to Lord Aberdeen that I was informed representations would be sent out to Texas based on statements made by members of the Antislavery Convention who had called on his Lordship touching this matter, to the effect that Her Majesty's Government would afford in some way the means of reimbursing or compensating the slave owners, provided slavery were abolished in our country. I inquired what ground there was for these assertions.

His Lordship replied in effect, that it is the well known policy and wish of the British Government to abolish slavery every where; that

its abolition in Texas is deemed very desirable and he spoke to this point at some little length, as connected with British policy and British interests and in reference to the United States. He added, there was no disposition on the part of the British Govt to interfere improperly on this subject, and that they would not give the Texian Govt any cause to complain; 'he was not prepared to say whether the British Government would consent hereafter to make such compensation to Texas as would enable the Slaveholders to abolish slavery, the object is deemed so important perhaps they might, though he could not say certainly.' I here remarked to his Lordship, that any compensation received by Texas from a foreign power for the abolition of slavery would be derogatory to our national honor and degrade and disgrace us in the eyes of the world. He observed such things can be so done as not to be offensive etc., but I believe his Lordship was of my opinion.

Lord Aberdeen also stated that despatches had been recently sent to Mr Doyle the British Chargé d' Affaires at Mexico, instructing him to renew the tender of British Mediation based on the abolition of slavery in Texas, and declaring that abolition would be a *great moral triumph for Mexico*. Your Department will not fail to remark that this dispatch to Mr Doyle appears to introduce a new and important condition into "mediation."

Lord Aberdeen also repeated an opinion he has heretofore expressed that the mediation of foreign Powers as hitherto presented, offered no hopes of success.

Other subjects connected with the affairs and relations of Texas were discussed at some length but they do not require to be mentioned here.

At the close of the interview I mentioned again to Lord Aberdeen that Texas will not make any change in her institutions concerning slavery. His Lordship requested I would communicate to the Government such opinions as he had expressed, to the exclusion of such as the enthusiastic imaginations of the antislavery conventionists might attribute to him. He inquired whether he should continue to see these persons on this subject. I could not answer his Lordship, as they have no connection with the Govt of Texas.

The British Government greatly desire the abolition of slavery in Texas as a part of their general policy in reference to their colonial and commercial interests and mainly in reference to its future influence on slavery in the United States. I do not attribute to them any sinister purposes towards Texas in this matter; British policy in relation to slavery is declared to the world, and the good or ill consequences to Texas are not taken at all into consideration.

The abolition of slavery in Texas would not have any good effect in promoting emigration from Europe. Emigrants would wait for

years to see what relations are to subsist between Texas and the adjoining slave holding States, after abolition; and the agitation of this subject among us would have a pernicious influence upon any anticipated European emigration, which would more than counterbalance any advantages likely to result from its accomplishment.

I am clearly of opinion founded on conversations had with members themselves of the British Anti-Slavery society, as well as with other persons, that the most we could look for from this class of individuals in England would be a glorification in one of their Exeter Hall reports and annual notices of our progress in abolition afterwards; and that no substantial good whatever would accrue to the country. I am induced too to believe that the purpose is entertained by some of that body to lead Texas by intimations of promises, to take steps in reference to slavery from which we cannot well recede. It is proper to add that the Anti Slavery society does not enjoy in any considerable degree the respect and confidence of the British public.

It is an important fact in connection with this subject that the marriage of the Prince de Joinville with the Princess Francisca of Brasil changes, as I have been well informed the feelings and policy of the French Government in relation to slavery, and that they will dissever themselves from that crusade which Great Britain has been waging against slavery in favor of her commercial and colonial interests.

Allow me to impress most respectfully on our Government that in order to procure an European emigration we must look to *peace* with Mexico and not to the abolition of slavery. Persons here desirous to remove to our country are afraid of *war*, not of negro slavery. The class of persons in England *likely to emigrate* care very little about this institution, and those of the continent care still less.

Allow me also to express my deliberate conviction that the vague promises which Mr Andrews will send or carry to Texas will prove false and illusory. Texas must depend upon honesty and industry for a good reputation abroad. The sacrifice of one of her institutions to buy good opinions here would be fruitless; and if paid for by Great Britain must render us contemptible even in that country which makes the purchase.

I saw Mr Guizot on my return to Paris a few days since, when he said to me he saw no reason to hope for peace between Texas and Mexico through the mediation of foreign Powers.

Day before yesterday the mail of the Great Western Steamer arrived bringing the President's Proclamation as copied from a New Orleans newspaper, of the cessation of hostilities. I forthwith sent a copy to Mr Guizot. From the frank and explicit observations of Lord Aberdeen I know he did not, any more than Mr Guizot, anticipate this glorious news. It has had a favorable effect on Mexican

Bonds in London which have already risen upwards of 10 per cent and are advancing in value. This circumstance must strongly dispose the Bondholders there in favor of peace on a permanent basis. If the armistice shall result in permanent peace the most solid advantages will forthwith accrue to Texas. International relations can be readily established with the different Powers of Europe, and emigration and commerce will be directed immediately to our country. Under such circumstances the agitation of abolition would impede emigration hence, as showing our institutions to be still unsettled and as likely to put us in an unfriendly or hostile attitude towards the neighboring states on the North.

It has been mentioned to me, but I do not permit myself to credit the assertion, that Mons. de Cramayel has given very unfavorable accounts of us to his Govt. There is however some reason to apprehend that unfriendly representations of us have been transmitted to this country. One Mr Guilbo,<sup>a</sup> Vice Consul I believe at San Antonio, I was told has written very unfavorably of us.

I saw King Louis Philippe this evening he congratulated us cordially on the establishment of peace and wished us much prosperity. His remarks were not only kind but showed that he understood our country and watched its progress.

My former despatches have represented the internal condition of Spain as so unsettled that it has not seemed advisable to attempt to open negotiations with that country. A revolution has just been accomplished there so far as affects parties, whereby Espartero the Regent seems to have lost his power and to have very little prospect of regaining it. The influence England was supposed to possess in Spain appears for a time at least, to be destroyed.

Col Daingerfield is now in Paris. He will leave in a few days for his post. His stay here has been prolonged by his waiting for my return from London where the public interests detained me longer than I had anticipated.

Touching the Colonization Contracts I will state:

The Red River Company seemed to be on the eve of commencing efficient operations when I left London.

Mr Castro is absent from Paris making arrangements with reference to emigrants. There is reason to think he will find some obstacle in the opposition of the French Government, to which he is not acceptable.

Mr Bourgeois has not yet commenced operations.

I have the honor to be

Very respectfully

your most obedient servant

ASHBEL SMITH.

SMITH TO ABERDEEN.<sup>a</sup>

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SMITH TO JONES.<sup>b</sup>

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SMITH TO ABERDEEN.<sup>c</sup>

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BARON DE CETTO TO SMITH.<sup>d</sup>

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ELLIOT TO JONES.<sup>e</sup>

GALVESTON August 17th 1843.

The undersigned Her Britannic Majesty's Chargé d' Affaires to the Republic of Texas has the honor to request the renewed attention of Mr Jones to the several claims of British subjects which it has been his duty from time to time to press upon this Governt.

In a despatch to the Earl of Aberdeen written subsequently to the conversation which the Undersigned had the pleasure to have with Mr. Jones in the early part of May last He did not fail to convey to His Lordship renewed assurances of the solicitude of this Government to adjust the claims for the "Eliza Russell" and to explain that it was only owing to the provisions of a recent supply Bill respecting the disposal of balances, that the vote of Congress of 1840<sup>f</sup> was not already carried out.

He may also take this occasion of mentioning that He was so sensible of the President's wishes in respect to the satisfaction of this claim, and so conscious of the need for relieving Mr. Russell without further lapse of time that He had already ventured to move Her Majesty's Government to make the advance at once in London.

The detention of the "Eliza Russell" took place so long back as 1837, and the votē in satisfaction of the damage is of 1840, and the case has been pressed so frequently, and in such urgent terms, that the Undersigned must trust Mr. Jones will be able to afford him the satisfaction of assuring Her Majesty's Government that the payment shall not be protracted beyond the next Session of Congress.

Agreeably to Mr. Jones's wish the Undersigned mentioned to the Earl of Aberdeen with respect to the case of the "Little Pen" that all that the Government of Texas required in that matter, was specific

<sup>a</sup> August 1, 1843. See Smith to Jones, September 20, 1843; same to same, November 29, 1843.

<sup>b</sup> August 2, 1843. See Calendar.

<sup>c</sup> August 10, 1843. See Smith to Jones, September 20, 1843.

<sup>d</sup> August 15, 1843. See Smith to Jones, August 22, 1843.

<sup>e</sup> A. L. S.

<sup>f</sup> Passing the act approved January 25. The supply bill referred to has not been identified with certainty.

proof that the goods taken on board the Mexican schooner "Abispa" (employed in saving the cargo of the "Little Pen") were shipped for account of parties settled in England, and not for Don Pedro Sastro<sup>a</sup> settled in Mexico, that is proof of the kind required by the Admiralty Court in England, in similar cases. But in making that communication the Undersigned also thought it right to himself to observe that He had remarked to Mr. Jones He could not concede the necessity for further proof, thinking that the papers already transmitted plainly established that the goods were shipped for parties settled in England; And that therefore, till He was differently instructed, He must rest the demand for the acknowledgment and settlement of the claim upon the statement of the case which He had the honor to make Mr. Terrell in a note dated on the 14th.<sup>b</sup> December last.

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ELLIOT TO JONES.<sup>d</sup>

ELLIOT TO JONES.<sup>e</sup>

JONES TO SMITH.<sup>f</sup>

DEPARTMENT OF STATE,  
Washington, [Texas,] Aug. 20th. 1843

To the Hon. ASHBEL SMITH

*Chargé d' Affaires of Texas*

*etc. etc. etc.*

SIR,

Enclosed, I have the honor to forward for your information copies of certain correspondence between H. B. M. Chargé d' affaires, and this Department on the subject of Armistice recently established between this Government and Mexico.<sup>g</sup>

Your last communication received at this Department was of the date of 16th. June last.

I have the honor to be,

With the highest respect,

Your obt. Servt.

ANSON JONES.

<sup>a</sup> In Jones to Elliot, September 16, 1843, this name appears as "Sastre."

<sup>b</sup> Properly the 13th.

<sup>c</sup> For the paragraphs omitted see Calendar under the title of this letter.

<sup>d</sup> August 17, 1843 (extract). See Calendar.

<sup>e</sup> August 17, 1843 (private). See Calendar.

<sup>f</sup> See Records of Department of State (Texas), Book 44, p. 167.

<sup>g</sup> The inclosures are now here enumerated. It is probable, however, that the letters referred to are Elliot to Jones, June 10, 1843, Jones to Elliot, June 15, 1843, Elliot to Jones, July 24, 1843, and Jones to Elliot, July 30, 1843.

AN ACT FOR MORE EFFECTUAL SUPPRESSION OF THE SLAVE TRADE.<sup>a</sup>


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SMITH TO DE CETTO.<sup>b</sup>

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SMITH TO JONES.<sup>c</sup>

45

LEGATION OF TEXAS, PARIS

August 22, 1843

Hon ANSON JONES

*Secretary of State*

SIR,

The annexed copies of a note from Baron de Cetto, the Bavarian Minister at London, and of my answer thereto explain themselves sufficiently. I doubt not but that your department will obtain the information and transmit the certificate thereof as desired by the Baron de Cetto.

I forwarded from London by Mr E. L. Barnard some weeks since a legal document received from the Baron de Cetto with the request that the same should be served on the person named in it, a native of Bavaria now resident in Texas, and that notice of said service be transmitted to the Baron de Cetto.

I have the honor to be  
very respectfully  
your most obed Servant

ASHBEL SMITH

Baron de Cetto, Bavarian Minister, to Ashbel Smith.

Baron de Cetto presents his compliments to Mr Ashbel Smith, and takes the liberty of again applying to him for the purpose of obtaining a certificate of the death of one Peter Ehrhard a native of Bavaria who is stated to have died at Bastrop in the Republic of Texas on the 14th of November 1839.

Baron de Cetto would feel much obliged if Mr Ashbel Smith would apply to his Government for the document in question which the relatives of the deceased are interested in obtaining and which they have requested Baron de Cetto to procure for them.

He avails himself of this opportunity to renew to Mr Ashbel Smith the assurances of his high consideration.

3 Hill Street, Berkley Square

August 15, 1843.

ASHBEL SMITH Esq

etc. etc. etc.

<sup>a</sup> [August 21, 1843]. See *Morning Star*, August 3, 1844.<sup>b</sup> August 21, 1843. See Smith to Jones, August 22, 1843.

Ashbel Smith to Baron de Cetto.

Mr Ashbel Smith presents his compliments to His Excellency Baron de Cetto and has the honor to acknowledge the receipt of his communication of the 15th Instant.

Mr Ashbel Smith will forthwith write to his Government and request that the death of Peter Ehrhard stated to have died in Bastrop in Texas be ascertained and a certificate thereof be transmitted to His Excellency for the relatives of the deceased. He thinks it scarcely necessary to intimate to Baron de Cetto that from the great distance of Texas considerable time must unavoidably elapse before an answer can be had.

Mr Ashbel Smith embraces this opportunity to renew to Baron de Cetto assurances of his distinguished consideration

3 St James's Street

Aug. 21st 1843.

His Excellency

BARON DE CETTO

*etc. etc. etc.*

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ELLIOT TO JONES.<sup>a</sup>

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ELLIOT TO JONES.<sup>b</sup>

GALVESTON August 28th. 1843.

The Undersigned etc. etc. etc. has the honor to acquaint Mr. Jones that He has this day received a despatch from Her Majesty's Chargé d' affaires dated on the 15th. Inst.

Agreeably to the wish of the President of Texas communicated in the despatch of the Undersigned to Mr. Doyle of the 2d. Inst. that Gentleman requested the President of Mexico to release all the Texian prisoners remaining in that Country. General Santa Aña said that there were still some Mexican prisoners in the hands of the Texans, some of whom were captured at San Jacinto, that they were fewer in number than the Texian prisoners held in Mexico. But General Santa Aña requested Mr. Doyle to state to the Undersigned for the information of this Government that He would "at once" "consent to the release of all the Prisoners, whatever may be the" "difference in the numbers, upon the Mexicans still kept prisoners" "in Texas, being sent to the Head Quarters of General Woll." Mr. Doyle adds that He consented to write to the Undersigned at once on this subject "as it is one, both on the score of humanity, as well" "as for the sake of bringing about a good understanding, which"

<sup>a</sup> August 28, 1843. See Calendar.

<sup>b</sup> A. L. S.

"ought to be settled with as little delay as possible." Mr. Doyle also remarks, that the details of this measure and all the responsibility attending it will of course be settled by the parties interested; But He suggests that an arrangement would be desirable for the removal of the prisoners from Mexico to Texas, either by vessels chartered for that purpose or otherwise, and a mutual allowance for their support to the Coast on the one hand, and to General Wolls Head Quarters on the other, so as to avoid some difficulties in the respect of expenses, which took place on the last occasion of the return of prisoners.

The exigencies of the public service will not enable the Undersigned to detain the "Scylla" till He can have the honor of hearing from Mr. Jones in reply to this communication; but He entertains the belief that He shall be acting in conformity with the President's wishes, and anxiety for the release of the Prisoners in saying to Mr. Doyle that He sees no reason to doubt that General Houston will accede to the arrangement proposed by General Santa Aña. He will also mention that He believes all the Mexican prisoners in Texas are at large, and many of them engaged in profitable employments, and that thereupon it may be possible that some of them would desire to remain by their property

The Undersigned hopes that this proof of the friendly dispositions of the President of Mexico will be satisfactory to this Government, and He avails himself of this occasion to renew to Mr. Jones the sentiments of highest consideration with which He has the honor to remain

His Most faithful Servant

CHARLES ELLIOT.

The Hon

ANON JONES,

etc. etc. etc.

*Washington on the Brazos.*

KENNEDY TO JONES.<sup>a</sup>

JONES TO ELLIOT.

DEPARTMENT OF STATE

*Washington Septr. 4th 1843*

The Undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the note addressed him on the 17th Ult. by Capt. Charles Elliot H. B. M Chargé d' Affaires to

\* September 4, 1843. See Calendar. No copy of this letter has been found in the archives.

Texas, in further reference to claims of certain British subjects which have been heretofore presented to the consideration of this government.

The claim of Mr Joseph Russell for damages sustained by him in the capture and detention of the "Eliza Russell" having been of so long standing, and having been acknowledged by Congress, in an act passed by that body so long ago as 1840,<sup>a</sup> and the amount appropriated for his payment, the undersigned has felt particularly anxious that he should receive the same, and has lost no time in presenting the suggestions of Capt Elliot in reference to this subject to the attention of his Excellency the President, who has always entertained a strong desire to satisfy the just demands of Mr. Russell. Circumstances however connected with the peculiar situation of the country and its finances, of which Capt. Elliot is aware and which the undersigned is extremely happy to know have been duly considered by him, have hitherto prevented the accomplishment of this desire. These circumstances having in some degree happily changed the President has felt justified in making provision for the payment of this claim, and the Undersigned has now the pleasure to enclose herewith a draft drawn by the acting Secretary of the Treasury on James H. Cocke Esq. Collector of Customs for the Port of Galveston, at 90 days date in favor of Capt Elliot for Three Thousand Eight Hundred and forty 60/100 (\$3840.60) Dollars, being the amount appropriated by Congress for this purpose by the act of Jan. 25th 1840<sup>b</sup>

The Undersigned claims the indulgence of Capt Elliot for a few days when he hopes to have the pleasure of replying to the other subjects embraced in Capt Elliots note. Ill health and the consequent accumulation of business in this Department, will it is hoped afford a sufficient apology for this delay

The Undersigned embraces the present occasion to renew to H. B. M Chargé d' affaires assurances of the high consideration and respect with which he has the honor to remain

His Most Obt Svt

Signed

ANSON JONES

To Capt. CHARLES ELLIOT

*H. B. M. Chargé d' affaires  
etc. etc. etc.*

JONES TO ELLIOT.

DEPARTMENT OF STATE

Washington Septr. 4th 1843

The Undersigned etc. etc. etc. has the pleasure to acknowledge the receipt of the communication which Capt Charles Elliot H B M.

<sup>a</sup> Approved January 25 of that year. See Gammel, *Laws of Texas*, II, 246-247.

<sup>b</sup> A copy of this draft is on file.

Chargé d' Affaires did him the honor of addressing him on the 28th Ult. informing this government of the very satisfactory dispositions evinced by the President of Mexico Gen Santa Anna in promp[t]ly acceding to the request of Gen Houston conveyed through the representatives of Great Britain to the two countries for the release of the Texian Prisoners in Mexico upon the condition that the Mexican prisoners in Texas should be sent to the Head Quarters of Gen Woll.

Although the President is not aware that there is a single Mexican prisoner in Texas, except those who have voluntarily chosen to remain in this country, since orders were issued in 1837 and subsequently for their release and restoration to entire liberty, still that no doubt might remain on this subject and perfectly willing to accede to the arrangement proposed by Gen Santa Anna he has deemed it proper to issue a proclamation under the present date, declaring all Mexicans taken prisoners by the forces of Texas at any time since the commencement of the war, in which the two countries have been engaged, at liberty and free from all and every species of restraint, and offering to all such as may choose to return, and who shall report themselves on or before the 20th of Octr next to Col. J. C. Hays at San Antonio de Bexar, a safe conduct at the expense of this Government to the Head Quarters of Gen. Wooll. An authenticated copy of this Proclamation is herewith enclosed.

An early opportunity will be embraced to apprise Gen Woll of the steps taken by this Govt. in relation to this matter and to arrange the details of the exchange of prisoners, and a vessel will be sent to Vera Cruz for the purpose of removing our prisoners from Mexico so soon as the same may seem adviseable.

The undersigned hopes he will not be trespassing too far upon the kindness of Capt Elliot in requesting that he will as he may have opportunity communicate to Mr. Doyle, the substance of this note for the information of the Mexican Govt. and in tendering to Capt Elliot as he is instructed to do the thanks of his Excellency the President for the very prompt and efficient interposition of his good offices in the attainment of an object so anxiously desired by his Excellency as the release of our unfortunate prisoners in Mexico, he avails himself of the occasion to renew the assurances of the high consideration and respect with which he has the honor to be

His Most Obt

and faithful Servant

(Signed)

ANSON JONES

Capt CHARLES ELLIOT

*H B M Chargé d' Affaires  
etc. etc. etc.*

JONES TO ELLIOT.<sup>a</sup>

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ABERDEEN TO SMITH.<sup>b</sup>

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ELLIOT TO JONES.<sup>c</sup>

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ELLIOT TO JONES.<sup>d</sup>

GALVESTON September 15th. 1843.

The Undersigned Her Britannic Majesty's Chargé d' Affaires to the Republic of Texas has the honor to acknowledge Mr. Jones two notes of the 4<sup>th</sup> Inst.

The Undersigned will avail himself of the opportunity to Matamoros to forward a despatch to Mr. Doyle covering His Excellency's Proclamation of the 4<sup>th</sup>. Inst. respecting the return of any Mexicans still in this country to the Head quarters of General Woll—and He trusts that this additional proof of the President's friendly readiness to respond to the amicable feelings of the Mexican Government, will have a salutary effect on the approaching negotiations.

He has also to acknowledge the receipt of a draft on the Collector of Customs at Galveston for the sum of \$3840.60 payable ninety days after date, in satisfaction of the claims of Mr. Joseph Russell. In reporting this arrangement to Her Majesty's Government He will not fail once more to point out that the payment has been made as soon as practicable in the past pressed state of the finances of Texas. He permits himself to offer his congratulations upon the steady improvement of that important branch of the public affairs, and to express the sincere hope that all the other honorable sacrifices, and wise efforts of the Government for the peace, strength, and prosperity of the Country, may be attended with equally marked success.

He begs to renew to Mr. Jones the assurances of highest consideration and esteem with which he has the honor to remain

His faithful and obedient Servant

CHARLES ELLIOT

The Honorable ANSON JONES,  
Secretary of State  
etc. etc. etc.

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<sup>a</sup> September 11, 1843. See Calendar.

<sup>b</sup> September 11, 1843. See Smith to Jones, September 20, 1843; same to same, November 29, 1843.

<sup>c</sup> September 14, 1843. See Calendar.

<sup>d</sup> A. L. S.

JONES TO ELLIOT.

(Copy)

DEPARTMENT OF STATE,  
Washington, Sept. 16th. 1843.

The undersigned, Secretary of State of the Republic of Texas, has the honor now to reply to that part of the note addressed him, on the 17th ulto., by Capt. Elliot, H. B. Majesty's Chargé d' Affaires, which relates to the claim of Lizardi & Co.<sup>a</sup> for goods alledged to have been taken from the Schooners "Little Penn" and "Abispa" by the Texian armed Schooners "Invincible" and "Brutus".

The Undersigned regrets that circumstances have prevented him from giving to this subject, and to the former communications of Captain Elliot, a more prompt and decisive attention and reply; but he has not felt justified, or able to form definite opinions in relation to them, in the absence of many documents etc. connected with the same, of which he has not been enabled to avail himself, as he could have wished, in consequence of their being among the archives of the nation at Austin. For this reason he is constrained to rest his objections to the claim, for the present, and until further proof shall have been adduced by the claimants upon the views expressed in the "opinion" of the Attorney General. The Government of Texas, however, is most desirous to dispose of this claim, in a just and strictly legal manner, and no delay not absolutely necessary to enable it to form a proper conclusion on the subject, will be used.

The undersigned would embrace this occasion to observe that in the conversation he had the pleasure to have with Captain Elliot in May last, he must have made an impression different from what he intended on the mind of Captain E. when he was understood to say, (as expressed in Captain Elliot's note above referred to), "that all the Government of Texas required in that (this) matter was specific proof that the goods, taken on board the Mexican Schooner "Abispa" (employed in saving the cargo of the "Little Penn", were shipped for account of parties settled in England, and not for Don Pedro Sastre settled in Mexico, that is, proof of the kind required by the Admiralty Courts in England in similar cases", and he now begs leave to correct the impression then made, by stating that he intended to be understood to say that without going into the consideration of the principles of law involved in the case, the proof on which the parties relied to sustain their allegations was not sufficient to justify this Government in acknowledging the force of their claim, as it was not the kind of proof required, in similar cases, by the Admiralty Courts of England etc. etc.

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<sup>a</sup> Though Lizardi & Co. are not mentioned in Elliot's letter of the 17th, the claim here referred to was made by that firm.

The undersigned avails himself of the present occasion to renew to Capt. Elliot the assurances of the high consideration and respect with which he has the honor to remain

His Most Obt Svt

Signed

ANSON JONES

To,

Capt. CHARLES ELLIOT

*H. B. M. Chargé d' Affaires  
etc. etc. etc.*

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JONES TO ELLIOT.

DEPARTMENT OF STATE,  
Washington, Sepr. 19th. 1843.

The undersigned, Secretary of State of the Republic of Texas, avails himself of the earliest possible opportunity, which his public duties and the state of his health have afforded him, to reply to the Note which Captain Elliot did him the honor to address him, on the 17th. ulto., in reference to the claims of Messrs. Cotesworth & Pryor, Geo. O'Gorman, D. V. Egerton and J. C. Beales, to grants of land, made them at various times, under the Colonization Laws of Mexico, and confirmed to them by subsequent enactments of Texas, then a State of the Mexican confederacy.

In answer to all the averments of these several claimants, the undersigned, referring Captain Elliot to the conversation he had the pleasure to have with him, in the early part of May last, would now beg leave to repeat, with some additional explanations, the belief, then verbally expressed, that these were all cases properly referable to the ordinary courts of Justice, to whom Congress, by express enactment, had granted exclusive, as well as ample jurisdiction of the same, with full power to extend justice and equity to all those, who, either by the breaking out of the war of Independence, the interruptions consequent upon this event, or the subsequent acts of the government, under the "Consultation", the "Convention", or the Legislature, had received any injury. The provision excluding aliens, it is believed, will not apply to any of these parties claimants, in as much as the Constitution provides (Gen. Prov. Art 10th.) that "All persons (Africans and the descendants of Africans and " Indians excepted) who were residing in Texas on the day of the " declaration of Independence, shall be considered Citizens of the " Republic of Texas, and entitled to all the privileges of such."

Under this liberal provision of the Constitution, all persons who emigrated to the country, previous to the 2d. of March 1836, have universally been admitted to enter our courts, and to sue for justice.

The construction of the word residence, has been equally liberal, as according to the Constitution of the State in force up to that period, it was the privilege of those residing in the State, to be absent from the country for a continuous period of five years, without forfeiting any of their rights.

The parties now claiming indemnity of the government of Texas, therefore, if they think proper to apply to the Courts in Texas, will not be excluded, even although they may have been absent for years, as the Constitution and Laws, by fair and usual construction, entitle them to all the rights of citizenship. The provision of the law, complained of, can apply to those only, who had not come to the country, previous to March 2d. 1836, which, it is presumable, was not the case with any of the present claimants. These facts being admitted, it is evident, as the undersigned believes, there can be no force in the assertions, made by these parties, that they have been denied the privilege and the right of appealing for redress, for any injury they may have received, to our Courts.

In view, therefore, of the fact that the Courts of Justice have the sole jurisdiction of all cases similar to the present, it will scarcely be necessary for the undersigned to remark to Captain Elliot, that the President, being subordinate to the constitution and the Laws, has no power vested in him to make valid any such claims to land, and that he can do nothing in the premises, unless it be to place the subject before Congress, for their consideration and action, in order that if the Laws are defective, or have denied either aliens, or Citizens, their just rights, the legislative power of the country may extend to them an equitable remedy, as he has already done with those of Messrs Cotesworth & Pryor, Egerton and O'Gorman.

The undersigned also deems it unnecessary, at this time, to discuss the question, whether these parties have the right to ask the interference of a foreign government, in a matter like the present. He will, however, observe that they have never come forward to seek redress, through any of the channels, which are and have been, for a long time, open to them in the country.

They have never deposited, in the General Land Office of the country, their contracts, titles, or any evidences of their claims. They have never asked for justice or redress, either of the Courts or the Legislature of this country; but have, in the first instance, applied to a foreign and distant government.

The evidences of their having complied with the conditions of their contracts and of the rights they may have consequently acquired, are here, and here, the undersigned is constrained to think, if the parties had just claims, they should have first preferred them, the more especially, as this government has always evinced a disposition to adopt the most liberal measures, for the protection of rights acquired

under the former sovereignty of the country. Their not adopting this course, appears to the undersigned to weaken very much the force of their claim. In compliance with the request of Captain Elliot, contained in his note to the undersigned, of the 30th. Sept. last, as he has before had the honor to inform Captain Elliot, His Excellency, the President, transmitted to Congress, on the 28th. Decr. last, the claims of Messrs Cotesworth & Pryor, Egerton and O'Gorman, with a Message, in which he solicited the consideration of that body to the subject, and that equity should be done to these claimants.<sup>a</sup> By reference to this message, a copy of which the undersigned has the honor to enclose, it will be perceived that the government of Texas had not the means of giving Congress the information which was necessary, to enable them to act definitely upon the subject, and it will therefore become necessary for the parties to furnish this information, at a future session, in order to attain the object they may have in view.

The undersigned takes pleasure in further stating, that the President will, at an early day, (if desired) present the claim of Mr. Beales, with recommendations, to Congress, similar to those contained in the Message just above referred to, and that he will also ask their attention to a repeal of that part of the 27th. Sec. of the Land Law of the Republic, which denies to Aliens, Empressarios, and their assignees, the privilege of entering our courts of Justice, which, it is presumed, will remove every doubt, should any still exist in the minds of the present claimants, of the intentions of this government; and throw wide open to them her doors of Justice, both by her tribunals of Law, and her Legislature.

With this declaration of the acts and the purposes of this government, in reference to these claimants, which the undersigned flatters himself, will be satisfactory to Captain Elliot, he will now proceed, in compliance with an intimation, contained in Captain Elliot's note to the undersigned, under date of the 4th. of February last, and for the satisfaction of Her Majesty's Government, to refute as far as his present means will enable him (the Archives of the Nation being at Austin) the statements of said claimants, or to explain the same. Premising therefore, that the principal fact, that of the doors of Justice having been closed to them by this government, has been sufficiently alluded to, the undersigned will endeavor to show that these parties, have acquired no rights to land in this country, or to any compensation for their services.

The Colonization laws of Mexico and of Coahuila and Texas, under which the parties assume to have obtained contracts, contained certain conditions, the non performance of which by the contractors,

<sup>a</sup> See *Senate Journal*, 7th Tex. Cong., pp. 57-58.

(Empressarios) worked a forfeiture of the said contracts, and all the rights guarantied under them. Among others, the Colonists were to be of the Roman Catholic Apostolic Religion, to be of good character, to reside upon their lands, to cultivate a certain portion within a specified time, and the whole of the land within another specified time, etc. etc. The Contractor was also bound to introduce, a certain proportion of the number of families, contracted for, in some instances, within eighteen months, and the whole number, in four or six years.

Upon the arrival of thirty families, a town was to be laid off, the lots sold and religious worship established. Many other conditions were, in some instances, annexed, but it will be unnecessary to specify them, as those already enumerated are sufficient for the purpose of the undersigned. Vide Gen. Colonization Law Mexico of the year 1823, Nat. Colonization Law of 18th. August 1824, Colonization Laws of Coahuila and Texas of March 24th. 1825, and 28th. of Ap. 1832, and the contracts made under them with S. F. Austin, D. G. Burnet, Austin & Williams et al.<sup>a</sup> These conditions, so far as the undersigned has been able to learn have never been performed by these parties claimants.

The claims of Messrs Cotesworth & Pryor, Egerton and O'Gorman, were first brought to the knowledge of the undersigned, by the note of Captain Elliot, under date of the 30th. Sept. last, and was, as he thinks, the first notice the Government ever had of the existence of any such claims. The undersigned, at this moment, is not able to refer to a copy of Lord Palmerston's note to Gen. Henderson, in 1839<sup>b</sup>; but speaking from recollection, he thinks his Lordship specified no names, but made his appeal to Mr. Henderson in general terms. The undersigned has instituted the most careful enquiry at the Land Office, and of Citizens of the country, who have resided here from the earliest period of its settlement, but can obtain no information of any such persons, or of any one who knows of any Colonists having been introduced by, or contracts granted to, them. It would certainly appear that if they, or any of them, obtained grants for colonizing any of the territory of this Republic, and had taken the necessary steps in complying with the terms and conditions of their contracts, particularly if they had brought to the country any number of Emigrants, some one of those in this country, whom the undersigned has consulted, would have been cognizant of the facts. No colonization contract could have been made after the 26th. of March 1834, (see Decree No. 272, Laws Coahuila and Texas) and in the fulfillment of the conditions of any, made previous

<sup>a</sup> For all, see Gammel, *Laws of Texas*, Vol. I and Sayles, *Early Laws of Texas*, Vol. I *passim*.

<sup>b</sup> October 23. See Calendar.

to that time, a considerable number of families must have been introduced and settled on their lands, or the contract would have been forfeited. This introduction of families, and settlement of a colony, it will readily be admitted, could not have been effected without its having become a matter of public notoriety, and certainly the government would have had some information of the same. In the absence of all such knowledge, the presumption appears to be, that these parties or some one for them, might have procured a Grant of Land from Coahuila and Texas, that they may have taken some preparatory steps for sending out Colonists, and perhaps incurred some expense, but that, difficulties arising soon after between Texas and Mexico, they suspended all thought of carrying out their contracts, until after the acknowledgment of the Independence of this country, by the United States and France, when they again turned their attention to the subject, and concluded to bring the matter before the Government of Her Majesty. That they could have fulfilled any or all the conditions of their contracts, appears, from the circumstances, to be impossible; consequently they have long since forfeited the same, and can have no right to any land in Texas, or claim for any damages they may have sustained. If, however, they were prevented from carrying out their contracts, by the breaking out of the war in 1835, which was not the case, this circumstance might entitle them to some consideration in equity, but to no right in law.

The undersigned will now, in support of the opinion expressed by Mr. Henderson, "that the grants to settle land, obtained "by British "subjects from the Mexican Government, were conditional; that government reserving to itself the right to arrest, at any time, the settlement of those lands etc.,"<sup>a</sup> refer Captain Elliot to the 7th Art. of the Nat. Colonization Law of the 18th. Augt. 1824, and the action, based thereon, in the 11th. Art. of the Law of the 6th. April 1830.

They are as follows—

Art. 7th. Nat. Col. Law.<sup>b</sup> "Until after the year 1840, the general Congress shall not prohibit the entrance of any foreigner as a colonist, unless imperious circumstances should require it with respect to the individuals of a particular nation"

Art. 11th. Law 6th. April 1830.<sup>c</sup> "In exercise of the right, reserved to the General Congress, by the 7th. article of the Law of the 18th. Augt 1824, the citizens of foreign countries lying adjacent to the Mexican Territory, are prohibited from settling in the States as Colonists etc. Those contracts of colonization, the terms of which are opposed to the present article, and which are not yet complied with, shall consequently be suspended."

<sup>a</sup> See Calendar, under title Henderson to Palmerston, October 30, 1839.

<sup>b</sup> See Sayles, *Early Laws of Texas*, I, 52.

<sup>c</sup> Ibid., 56.

From these, it is evident that the Republic of Mexico viewed all contracts of colonization, as political contracts; that she always held reserved the right to annul or suspend them, and that in the above instance, she exercised that right, with respect to all contracts for colonizing her vacant territory, with immigrants from adjoining countries. It follows that if she could suspend these, she had the same right to suspend all others. So far, therefore, as Texas is bound to assume any of the responsibilities incurred by Mexico in forming these contracts, she is equally entitled to avail herself of the rights which Mexico reserved to herself, and which she exercised.

These observations apply, with equal force, to the contracts said to have been entered into with Mr. J. C. Beales, and which, after what has been already stated, will require but few further remarks.

Mr. Beales commences by setting forth in his memorial,<sup>a</sup> that he is the owner of certain specified grants, known as Empressario Grants, and that said grants vest in him an exclusive private right to the land described in said grants, for six years etc. etc. He has not, however, specified that any condition whatever was annexed to the said Grants, or that the Government of Coahuila and Texas required any thing of him, as a consideration for the privileges he claims, and before any right could be "vested"; nor does he assert, that he has complied with these conditions, except in introducing a few colonists, and thus tacitly, at least, admits his failure to perform them. These conditions have been already enumerated in a preceding part of this note. If this construction of the plea entered by Mr. Beales be correct, it follows, as a matter of course, that he admits the forfeiture of his contract. But waiving this, perhaps too technical, construction, the undersigned, is prepared to show that the said Beales never introduced a single family or emigrant into Texas. A few pauper families were introduced and settled, through his agency, by a New York company, on one of his grants, but did not remain and cultivate their lands. With this exception, it is, I believe, a fact of great notoriety in Texas, that no Colonists were ever brought to this country by Mr. Beales, or by any one claiming under him.

The Laws and acts of Texas, of which Mr. Beales complains, "declaring that your memorialist by name has, and had, no right to Land "in Texas, and declaring your memorialist, and all aliens, and as "signees of Aliens, from entering her courts of Justice," the undersigned has never seen, nor is he aware that any such laws have ever been passed.

As has been heretofore remarked, the breaking out of the war, although it may have been of some injury to Mr. Beales, by inter-

<sup>a</sup> Undated as to the month and day, but written in 1842. See *The Morning Star*, April 6, 1844; *Telegraph and Texas Register*, April 10, 1844; copy inclosed with Elliot to Jones, February 4, 1843; in *Senate Journal*, 7th Tex. Cong., p. 57.

rupting his enterprise, can only give him a claim to the equity of Congress. And this claim will be divested of much of its force and effect, when it is taken into consideration, that his first two contracts of colonization, were applied for, and obtained in the very midst of the difficulties between Texas and Mexico in 1832, and his third contract, nearly four months after the battle of Velasco, and the disturbances at Anahuac and Nacogdoches, which was the true period of the commencement of our revolution. At the time, therefore, these contracts were obtained, the impossibility of complying with their conditions, by colonizing the grants with European families, as specified, must have been perfectly apparent to Mr. Beales. It is, therefore, fairly deducible from this circumstance, and the whole tenor of his subsequent conduct, that he procured these contracts, (as he afterwards used them) for the purposes of speculation in foreign markets, and not with the intention of carrying them out, in good faith, as had been before done with similar engagements, by Gen. S. F. Austin and others, by whose exertions, Texas has been redeemed from the wilderness and the savages.

By reference to Mr. Beales three contracts, it will be perceived, from their respective dates, that the first only could have been made under the Colonization Law of 1825; the remaining two consequently were under the new law of 1832. The first is dated according to his schedule, on the 14th. of March, 1832, and, allowing six years for the period of its performance, would have expired on the same day in [the] year 1838. The second is dated 1st. May 1832, and could, by the then colonization law, have been granted to a Mexican citizen only, and but four years could have been allowed for its performance; consequently it would have expired on the 1st. of May 1836. The third is dated Oct. 9th., granted under the same law as the last above named, and would have expired Oct 9th. 1836. By the terms of the last two grants, one sixth of the families should have been introduced within eighteen months from the date of the contracts respectively, etc. etc. There is no proof that this was the case; on the contrary, it is believed this condition was not complied with; hence these grants were forfeited from one to two years before any of the legislation, complained of by Mr. Beales, could have been had, and before he was "ruthlessly" interrupted by the revolution in Texas. These contracts would have expired nearly two years before the land law was passed; consequently Mr. Beales cannot complain of a law that could not, under any circumstances, have affected his legally acquired rights. The closing of the land offices, in the last of Novr. 1835, a few months before these contracts expired, is the only act which could have injured to his injury. And that this act was not productive of injury to Mr. B. is evident from the well known fact that no colonist had ever been legally settled on these grants; nor would

there have been any settled thereon by Mr. Beales, in all human probability, even if the war had not broken out, and the land offices had not been closed. The undersigned would also further remark, that the declaration of Independence itself—the time when all Empressario grants were declared to have ceased—took place only a few weeks before these two contracts of colonization ceased by their own limitation. Up to that time, he could have continued to introduce colonists, upon the conditions expressed, and he and they would have received their quotas of land, on the re-opening of the Land Offices in 1838, as specified in his contracts.

From what has now been stated, the undersigned trusts, it will be apparent that Mr. Beales has sustained but little, if any, injury, either from the breaking out of the war in Texas, or the subsequent acts of the Government, in relation to empressario claims. But for whatever wrong has been done him, as has been before observed, the undersigned confidently believes, full redress may be had by application to our courts or the Legislature of the country, if he thinks it expedient to place the facts and the testimony properly before them.

In evidence of this, the undersigned begs leave to refer Captain Elliot to the fact that the colony claimed by Mr. Beales as the "Milam or Colorado grant" was subsequently colonized by Col. B. R. Milam, through the agency of R M Williamson Esq., and Congress by their act passed Jan. 14th. 1839, granted to the said Williamson ten leagues and ten labors of land, as a compensation for the introduction and settlement, of two hundred families upon the same.

In relation to the nine grants, of Eleven leagues each, claimed by Mr. Beales, the undersigned presumes it will only be necessary to state to Capt Elliot, that the question, involved in these, is simply one of validity of title, and can be settled only by the courts of Law. The exception in the 27th. Sec. of the Land Law, in respect to alien Empressarios, and their assignees, does not apply to holders of these claims, who whether aliens or citizens, are equally entitled to assert them before the Judiciary of the Country.

In conclusion, the undersigned thinks it right to inform Captain Elliot, he has been informally notified by Gen. Murphy, Chargé d'Affaires of the United States, that Mr. Beales some years since, assigned all his landed interests in Texas, of every description whatever, to certain citizens of that country, who claim to be the exclusive beneficiaries of any remunerative action which this government may hereafter take in reference to these contracts.

The undersigned embraces the occasion to renew to Captain Elliot the assurances of the high consideration and respect with which he has the honor to remain

His very obedient and faithful servant,

(Signed)

ANSON JONES,

SMITH TO JONES.<sup>a</sup>

47

LEGATION OF TEXAS, PARIS

September 20, 1843

Hon ANSON JONES  
*Secy of State*

SIR,

I have the honor to enclose herewith copies of the following communications; to wit;

I. A note to the Earl of Aberdeen concerning the attempts making by certain parties in London to procure the abolition of slavery in Texas.<sup>b</sup> After mature reflection I decided to make this communication inasmuch as the parties alluded to had addressed themselves to Her Britannic Majesty's Government asking their cooperation, and had represented to that Government that a large portion of the citizens of Texas were disposed to abolish slavery, provided pecuniary means should be furnished to enable them to do so. It was also distinctly intimated that the Government of Texas tacitly sanctioned this scheme. I believe the citizens of Texas as well as their Government were misrepresented and that an attempt was made to deceive the British Government. It was disreputable to our standing in England, to have its great interests *apparently* in the hands of the persons who compose the Exeter Hall meetings, pretending to act in concert with a numerous portion of our citizens and in effect placing Texas in the odious light of proffering to barter for a price for the abolition of slavery. I have added a printed copy of the debate in the House of Lords on slavery in Texas wherein Lord Aberdeen announces the policy of his Government in relation thereto.

II. A note to Lord Aberdeen covering a copy of the Letter addressed to me on the 10th of June from your Department.

III. A note to Monsieur Guizot covering a copy of the same Letter of June 10th from your Department.<sup>c</sup>

IV. A letter to Mr Martin du Nord in acknowledgment for some official documents.<sup>d</sup> The documents in question will be forwarded by me to Texas by the first safe opportunity.

I have the honor to be

Your very obedient Servant

ASHBEL SMITH.

<sup>a</sup> A. L. S. In the margin opposite the date is written "Omitted to be forwarded by last steamer with other despatches."

<sup>b</sup> The note of August 1. The reply to his note is also inclosed. It is dated September 11, 1843.

<sup>c</sup> The note to Guizot was dated August 23, 1843.

<sup>d</sup> Undated, but written probably during the latter part of August or early in September, 1843.

P. S. My last despatches from your department were dated June 15th.

I send no 46 of my despatches by the present steamer but in a separate envelope.

A. S.

Copy.

Ashbel Smith to the Earl of Aberdeen.

MY LORD,

I have received despatches from my Government with instructions to communicate them to your Lordship. These despatches dated June 10th were written in view of a continuance of hostilities between Texas and Mexico. By the same mail which brought these despatches I have received others of a later date informing me of a suspension of hostilities

Since the armistice opens a way to the establishment of peace, it might seem less necessary to make to Foreign Governments the representations contained in my despatches of June 10th. I have however deemed it proper to lay them before your Lordship, in order that Her Majesty's Government may be acquainted with the course Texas will be compelled to pursue in case the pending negotiations for peace with Mexico should prove unsuccessful. I have accordingly herewith inclosed the copy of a letter dated June 10th addressed to me by the Secretary of State of Texas.

I trust that in communicating to your Lordship this letter of the Secretary of State of Texas, it will not be deemed as a menace made by Texas against Mexico, nor as evincing any indisposition on the part of Texas to enter into a firm and cordial peace and oblivion of all past misunderstanding with that country.

I need not recal to your Lordship's knowledge the circumstances under which the Government of Texas have resolutely maintained a pacific policy, notwithstanding a very large portion of their citizens were strongly in favor of active operations against Mexico, and during a period when the enemy were seriously embarrassed by internal dissensions. In adhering to this policy they relied on Mexico's ultimately taking a just view of the relations of the two countries, upon the good offices of Her Majesty's Government and of other mutually friendly Powers; and they have especially desired by this course to place Texas in a true position before the rest of Christendom, to show the world that its objects are those of peace, not of aggression.

In connection with the possible resumption of hostilities and in reference to the means which Texas may possess for carrying on a war efficiently I may be permitted to state what is I believe already

known to your Lordship, that were Texas compelled to resort to retaliatory measures against Mexico and to *invade* that country it could by a simple call, procure from another country an unlimited number of volunteers and such other aid as would enable it to desolate the enemy's territory. I beg your Lordship will not misunderstand the purpose of these remarks. It is simply to intimate, that while pursuing a conciliatory policy Texas has been aware of the means at its disposition and that notwithstanding any embarrassment which it may have experienced in its finances, has not been disabled from accomplishing those retaliatory measures to which happily there is now a prospect it will not be obliged to have recourse.

I avail myself of this occasion to renew to your Lordship assurances of the very distinguished consideration with which I have the honor to be

Your Lordship's  
Very obedient servant

Signed

ASHBEL SMITH

LEGATION OF TEXAS

August 10, 1843

His Excellency,

THE EARL OF ABERDEEN etc.

etc. etc. etc.

[The various inclosures mentioned in Smith to Jones of August 20 above, as well as Aberdeen's reply, dated September 11, to Smith's note of August 1, are filed with the original.<sup>a</sup>]

ELLIOT TO JONES.<sup>b</sup>

GALVESTON September 28th. 1843.

The Undersigned Her Britannic Majesty's Chargé d'Affaires to the Republic of Texas has the honor to acknowledge Mr. Jones's note of the 16th Inst. upon the subject of the pending claim for the value of the goods forming part of the cargo of the "Little Pen"

He requests to be excused for the misconception which Mr. Jones has corrected in his note of the 16th Inst.: and will forward that explanation to England by the earliest opportunity.

He will also once more refer to Her Majesty's Government upon the subject of this case, and fully sensible of the sincere desire of this Government to dispose of the claim in a just manner, entertains

<sup>a</sup> For Smith to Aberdeen, August 1, 1843, and the reply, September 11, see Calendar; for Jones to Smith, June 10, 1843, see Calendar of Correspondence with France; for Smith to Guizot, August 23, 1843, and Smith to Martin du Nord, undated, see Correspondence with France.

<sup>b</sup> A. L. S.

no doubt that it will soon be in his power to remove the objections against its acknowledgment.

He profits of this occasion to renew to Mr. Jones the assurances of the highest consideration with which He has the honor to remain

His most faithful Servant

CHARLES ELLIOT

The Honorable

ANSON JONES

*etc. etc. etc.*

*Washington*

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JONES TO SMITH.

DEPARTMENT OF STATE

Washington Septr. 30th. 1843

Hon. ASHBEL SMITH

*Chargé d'Affaires of the Republic of Texas etc.*

SIR,

I have the honor to acknowledge the receipt of your two Dispatches Nos. 43. and 44 under the respective dates of the 31st July and 15th August and a private letter of the 2d Ult.

My last communication to you was of the 20th August and was necessarily very brief on account of the severe illness of myself and of the Clerks in my Office.

Enclosed herewith I have the pleasure to transmit for your information copies of all the correspondence, held between this Government and the Chargé d'Affaires of H B. Majesty since the date of my communication above referred to. Messrs Geo. W. Hockley and S. M. Williams have been appointed Commissioners, to meet and confer with those to be appointed by Gen. Woll in relation to the Armistice and left this place for Matamoros on the 26th Inst.

In my dispatch of the 15th June last I instructed you to "defer for the present communicating the "Declaration etc." contained in my despatch of the 10th June to the Govts of Great Britain and France, but suggested that it would be well perhaps to let Mr. Guizot and Lord Aberdeen read the entire despatch. My intention was that you should suspend all official action in relation to the matters embraced therein unless it might be simply that of continuing to urge upon those two Governments the active employment of their good offices in promoting a pacification between this country and Mexico. From the tenor of your communication of the 15th Augt. I am induced to suppose that I may perhaps have been misunderstood in relation to this subject, and therefore have thought proper to give this explanation of my intentions

In relation to those parts of your several communications which relate to the subject of the efforts making in Great Britain for the abolition of Slavery in Texas, it will only be necessary for me to say that the Government desires you will keep it advised of every thing of importance connected with this matter which may occur in that country. The subject as you are already aware and as you have very properly stated to Lord Aberdeen, cannot nor will not be entertained in any shape by this government.

It is for the interest of the United States Great Britain and France that the war between Texas and Mexico should be terminated and an enlightened public policy should induce them to embrace the present propitious occasion to attain this object, by a more active employment of their friendly efforts in mediating *between the parties*.

In reference to the suggestion made by Col. Daingerfield about a new division of our diplomatic representation in Europe, it is only necessary to inform you the consideration of that subject will be deferred by this government untill after the reports of that Gentleman shall have been received, relative to the progress and issue of his mission to Holland, Belgium and the Hanse Towns of Germany.

In your dispatch of the 16th of June you mention that Mr. Bourgeois would write me at the same time in reference to the Loan of One Million of Dollars. As yet however this promised despatch has not come to hand Should the contract with Mr. B. fail no other effort will be made at present by this government to obtain money in Europe. Our finances are now in a very flourishing condition, the exports exceeding the imports, and the ordinary income being sufficient to defray the expenses of the civil list. Texas is *independent* of the world and at no moment of her political existence were her immediate prospects ever so brilliant as now.

In pursuance of your recommendation Mr. Pierre Brunet has been appointed Consul Gen. of France and his Commission as such is herewith enclosed. You will please obtain his Exequatur thereon and forward the same together with this Commission, and the usual instructions to Mr. Brunet. I also enclose you the commission of Maly E. Dumon as Cons. for Cette. The subject of European Emigration, to this country, becoming a matter of considerable importance, some instructions in relation to the same has been sent to our Consular establishments abroad. Enclosed herewith I transmit you of copy of a letter addressed by this Department to Mr. Lachlan M. Rate, our Consul General for Great Britain, which indicates sufficiently the views of this government on this subject. You will please communicate similar instructions to Mr. Brunet, for his governance and that of our Consular establishment in France.

The conduct of Mr. Rate in the discharge of his Official functions has given entire satisfaction to this government etc. etc.

It is with extreme regret I have received an intimation from Captn. Elliot, that circumstances may soon induce him to leave Texas. The exertions of this gentleman in aiding to effect the present Armistice between Texas and Mexico, his being so very acceptable to the government here, his great capacity and intelligence, his high character, enlarged and liberal views of national policy all combine in indicating him as the most suitable person that could be appointed to fill the station which he now occupies and to subsure the best interests of the country he so ably represents, as well as those of Texas to which he is accredited. In view of these facts I do most sincerely hope the British Government, will continue him here, if practicable If an expression of these views to Lord Aberdeen, will be of any force in inducing him to permit Capt. Elliot to remain here you will make that expression of them, to his Lordship.

This government is not aware however of the views and wishes of Capt Elliot in reference to this subject, and consequently only expresses its own views and wishes upon it.

I have the honor to be,

with the highest respect,

Your Obt. Servant,

(Signed)

ANSON JONES.

EVERETT TO SMITH.<sup>a</sup>

ELLIOOT TO JONES.<sup>b</sup>

GALVESTON October 28th. 1843.

The Undersigned Her Britannic Majesty's Chargé d'Affaires to the Republic of Texas has the honor to acknowledge Mr. Jones note of the 19th Ultimo on the several claims of British subjects connected with title to land, put forward by the desire of Her Majesty's Government.

The Undersigned has already moved Her Majesty's Government to call upon Messrs. Cotesworth, Egerton, Pryor, O'Gorman etc. to furnish a more particular exhibition of their case than has yet been done; And it does not appear to him that Her Majesty's Government would desire that of Mr. Beales to be pursued, till all doubt has been removed as to the existence of any claim to their interposition, in that quarter.

Under all the circumstances of the case therefore the Undersigned will beg leave to defer the continued treatment of these subjects till

<sup>a</sup> October 24, 1843. See Smith to Jones, November 29, 1843.

<sup>b</sup> A. L. S.

the statement and explanation made by Mr. Jones shall have been considered by Her Majesty's Government, and He has received further Instructions.

He avails himself of this occasion to renew to Mr. Jones the assurances of high consideration and regard with which He has the honor to remain

His most obedient  
and faithful Servant

CHARLES ELLIOT.

The Honorable  
ANSON JONES  
*etc. etc. etc.*

*Washington on the Brazos.*

SMITH TO EVERETT.<sup>a</sup>

GREEN TO ELLIOT.<sup>b</sup>

ELLIOOT TO GREEN.<sup>c</sup>

GREEN TO ELLIOT.<sup>d</sup>

KENNEDY TO JONES.<sup>e</sup>

ELLIOOT TO JONES.<sup>f</sup>

GALVESTON Nov. 15th. 1843.

The Undersigned, Her Britannic Majesty's Chargé d' Affaires to the Republic of Texas has the honor to forward to Mr. Jones two copies of an Act passed during the last session of Parliament, intituled

"An Act for carrying into effect the treaty between Her Majesty " and the Republic of Texas for the suppression of the African Slave " Trade."

11th. April 1843.

<sup>a</sup> October 31, 1843. See Smith to Jones, November 29, 1843.

<sup>b</sup> November 6, 1843. See Calendar.

<sup>c</sup> November 7, 1843. See Calendar.

<sup>d</sup> November 8, 1843. See Calendar.

<sup>e</sup> November 9, 1843. See Calendar.

<sup>f</sup> A. L. S.

And He avails himself of this occasion to renew to Mr Jones the expressions of the esteem and distinguished consideration with which He has the honor to remain

His most faithful Servant

CHARLES ELLIOT.

The Honorable

ANSON JONES,

*etc. etc. etc.*

*Washington on the Brasos.*

[Inclosed is a printed copy of the Act referred to.<sup>a</sup>]

SMITH TO JONES.<sup>b</sup>

50

LEGATION OF TEXAS, PARIS,  
Nov 29, 1843

Hon ANSON JONES

*Secretary of State*

SIR,

I have the honor herewith to transmit copies of a note from His Excellency Edward Everett, American Minister at London and of my answer thereto. In view of the attention which the efforts making in Great Britain to abolish slavery in Texas, is now attracting, and fearing that my former dispatches may have miscarried, I have thought proper to add copies of my note to Lord Aberdeen and of his Lordship's reply thereto, on the subject in question, although copies of the same have heretofore been transmitted to your Department.<sup>c</sup>

Very respectfully

Your obed. servant

ASHBEL SMITH

His Exy Edward Everett to Ashbel Smith

LONDON, 24 October, 1843

MY DEAR SIR,

The friendly personal relations which exist between us as well as the sincere interest taken by the Government of the United States in the welfare of Texas, induces me to take a liberty hardly warranted perhaps by diplomatic etiquette. I am anxious to ascertain the precise character and present state of the negotiation publickly announced by Lord Aberdeen towards the close of the session of Parliament as being in progress between your Government and that of Great Britain for the Abolition of Slavery in Texas. I am de-

<sup>a</sup> See *Statutes at Large*, 6 and 7 Vict. (1843), c. 15.

<sup>b</sup> A. L. S.

<sup>c</sup> With Smith to Jones, September 20, 1843.

sirous of communicating to the Department of State at Washington any information which you may be able and willing to impart to me on that subject confidentially, or not, as you may think proper.

I shall be much gratified if you should have it in your power, consistently with your duty, to comply with this request; if otherwise I am sure at least, I shall have your forgiveness for preferring it.

I am, Dear Sir, with great respect,  
faithfully yours

signed      EDWARD EVERETT.

ASHBEL SMITH Esqr.

*etc. etc. etc.*

Ashbel Smith to His Excellency Edward Everett.<sup>a</sup>

PARIS October 31, 1843

MY DEAR SIR,

I have the honor to acknowledge the receipt of your favor of the 24th Instant, concerning the negotiations mentioned by Lord Aberdeen in Parliament as being in progress between the Governments of Great Britain and Texas, for the abolition of Slavery in the latter country.

It is not in my power to inform you of the *precise* character and *present* state of the negotiation in question, as I have not been charged with the conducting of it. The British Government have naturally employed their Representative in Texas, Captain Elliott, as the medium for presenting any propositions to the Texian Government.

In June last several persons British subjects and others being a Committee of the General Antislavery Convention, waited on Lord Aberdeen for the purpose of asking the cooperation of the British Government to effect the abolition of slavery in Texas. In the verbal report made by the Committee to the Convention of their interview with the Earl of Aberdeen, they stated that his Lordship assured them "Her Britannic Majesty's Government would employ all legitimate means in their power to attain so great and desirable an object "as the Abolition of Slavery in Texas;" and that he used other expressions of the same purport. I happened to be present at this meeting which was public and heard the above statement made. One of the Members of the Committee who did me the honor to call at my lodgings, stated to me, that in their interview with Lord Aberdeen, his Lordship made observations which warranted them in saying that the British Government would guarantee if necessary the interest of a Loan which should be raised and applied to the abolition of slavery in Texas, but not of a Texian Loan for any other purpose whatever. In consequence of these statements I asked an interview with Lord

<sup>a</sup> Cf. Everett to Upshur, November 16, 1843, in *Niles' Register*, LXVI, 169.

Aberdeen, and I afterwards addressed a written communication to his Lordship on this subject. It has appeared to me to admit of question how far it would be proper to communicate what his Lordship then said or to furnish copies of my note to him, and of his reply thereto, until the Texian Government shall deem it best to make these pieces public. • Besides I do not know whether they would come within the limits of your inquiry. As however I appreciate most highly the motives that dictated your letter, and as I regard the efforts now making in England to procure the abolition of slavery in Texas as of the highest importance to my country and, though possibly in a less degree, to the United States which have a joint interest in this matter with Texas by reason of the proximity of the two countries, I shall transmit to Mr Lachlan M Rate, Texian Consul General at London copies of my note to Lord Aberdeen on this subject and of his Lordship's reply thereto with the request that Mr. Rate will call on you and submit, if desired, the same to your perusal.

I have written to my Government full accounts of the interview alluded to with Lord Aberdeen and of such other facts relating to the efforts making in England for the abolition of slavery in Texas as on diligent and scrupulous inquiry I could ascertain. I will transmit by the next steamer copies of these accounts to Mr Van Zandt, the Texian Chargé d'Affaires at Washington who will make such use of them as in his discretion he shall deem best. This course will, I trust, fully answer the object of your letter.

I have the honor to be, Dear Sir, with the highest respect,  
very truly and faithfully

Yours

signed— ASHBEL SMITH.

[Inclosed are also copies of Smith to Aberdeen, August 1, 1843; and Aberdeen to Smith, September 11, 1843.<sup>a</sup>]

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ELLiot to Jones.<sup>b</sup>

[Requests warrants from the Texan Government for the commanders of certain British ships<sup>c</sup> to act under the treaty of November 16, 1840, for the suppression of the slave trade.]

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ELLiot to Jones.<sup>d</sup>

[Of the same tenor as Elliot to Jones, December 13, 1843.<sup>e</sup>]

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<sup>a</sup> For both see Calendar.

<sup>b</sup> A. L. S., December 13, 1843.

<sup>c</sup> The names of the vessels were specified in a list mentioned as inclosed, but which has not been found.

<sup>d</sup> A. L. S., December 23, 1843.

<sup>e</sup> In this case three ships are mentioned and their names, commanders, etc., are given in the body of the letter.

ABERDEEN TO PAKENHAM.<sup>a</sup>ELLIOT TO JONES.<sup>b</sup>

NEW ORLEANS Jany. 4th 1844.

The Undersigned Her Britannic Majesty's Chargé d' Affaires to the Republic of Texas has the honor to acquaint Mr. Jones that it is the wish of Her Majesty's Government to be enabled, with the consent of the Government of Texas, to send to Trinidad or Demerara any negroes who may be captured on board Texian vessels on the Coast of Brazil, under the treaty between Great Britain and Texas for the suppression of the African Slave Trade, instead of sending them, as stipulated by the 16th Article of that treaty, to one of Her Majesty's settlements on the Coast of Africa.

This arrangement already exists in the case of slave vessels, (sailing under the flags of other Powers, with which Great Britain has treaties,) captured on the Coast of Brazil. And it should be stated that it is founded on the consideration that the return of the negroes to the African settlements from that distance would be attended with additional expense, and of course with additional risk and confinement to the people.

Her Majesty's Government is sensible that the case of a Texian Vessel engaged in this traffic on the Coast of Brazil, or it may be added elsewhere, is not likely to present itself. But in the improbable event of such a contingency, they are desirous of having the same faculty as has been consented to by other Powers, and in the hope that the Government of Texas will acquiesce in these views, the Undersigned has the honor to transmit for the consideration of the President the draft of a declaration recently forwarded to him by the Earl of Aberdeen.

The Undersigned avails himself of this opportunity to renew to Mr. Jones the sentiments of regard and high consideration with which he has the honor to remain

His Most faithful  
and obedient Servant—

CHARLES ELLIOT

To

The Honorable

ANSON JONES

etc. etc. etc.

*Washington on the Brazos.*


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Whereas by the 16th Article of the Treaty concluded at London on the 16th November 1840, between Her Majesty and the Republic

<sup>a</sup> December 26, 1843. See Calendar.<sup>b</sup> A. L. S.

of Texas for the suppression of the African Slave Trade it is stipulated that Slaves found on board Texian Vessels detained on the Coast of Brazil shall be carried or sent at once by the Commander of the capturing Cruiser to one of the British settlements on the Coast of Africa; and whereas it has been considered expedient by the Government of Her Britannic Majesty that British Cruizers should be enabled to carry or send to Trinidad or Demerara slaves so captured, instead of carrying or sending them back to the Coast of Africa as aforesaid; and whereas there exists on the part of the Republic of Texas no objection to Slaves so captured being so disposed of; We, the Undersigned, Her Britannic Majesty's Chargé d' Affaires in Texas and the Secretary of State of the Republic of Texas being duly authorised by our respective Governments hereby agree and declare that notwithstanding the above cited stipulation of the 16th Article of the Treaty above mentioned, the Commanders of British Cruisers, duly authorised under that treaty, may carry or send to Trinidad or Demerara Slaves found on board Texian Vessels captured on the Coast of Brazil.

In witness whereof we have signed this declaration, and have hereunto affixed the seals of our Arms.

Done at Washington the 16th. day of February A. D. One Thousand Eight Hundred and Forty four.<sup>a</sup>

CHARLES ELLIOT.  
ANSON JONES

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ELLIOT TO JONES.<sup>b</sup>

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ELLIOT TO JONES.<sup>c</sup>

[Requests a warrant from the Texan Government for the commander of the British sloop *Hebra* to act under treaty of November 16, 1840, for the suppression of the slave trade.]

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ELLIOT TO JONES.<sup>d</sup>

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JONES TO ELLIOT.

DEPARTMENT OF STATE

Washington Feb. 16th 1844

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the note which Mr. Elliot

<sup>a</sup> The draft of this document which, as the order in which it is printed shows, was inclosed with Elliot to Jones, January 4, contained a blank after the words "Done at" above Elliot's signature. This blank was afterwards filled with the date here given by Jones, who added also his own signature.

<sup>b</sup> January 8, 1844. See Calendar.

<sup>c</sup> A. L. S., February 10, 1844.

<sup>d</sup> A. L. S., February 10, 1844. See Calendar.

H. B. M. Chargé d' Affaires addressed him on the 4th Ult. acquainting him with the wish of Her Majesty's Govt. to be enabled with the consent of this Government to send to Trinidad or Demar[a]ra any negroes who may be captured on board Texian Vessels on the coast of Brazil under the Treaty between great Britain and Texas for the suppression of African Slave Trade

In reply the undersigned has the pleasure to state to Mr. Elliot that no objection exists on the part of this government to the proposed arrangement, but on the contrary it is believed the proposed modification to the 16th Article of said Treaty will be advantageous to all parties who may hereafter become affected by the stipulations therein contained In accordance therefore with the request of Mr. Elliot the undersigned will on the part of this government, sign the declaration forwarded by Lord Aberdeen and accompanying Mr. Elliot's note <sup>a</sup>

The undersigned avails himself of this occasion to renew to Mr. Elliot H. B. M.'s Chargé d' Affaires the assurances of high consideration and respect with which he has the honor to remain

His Most Obedient Servant

Signed                    ANSON JONES

To

Capt C. ELLIOT

*H. B. M.'s Chargé de Affaires  
etc. etc. etc.*

DECLARATION AS TO DISPOSAL OF TEXAN SLAVES CAPTURED ON THE COAST  
OF BRAZIL.<sup>b</sup>

JONES TO ELLIOT.

DEPARTMENT OF STATE

Washington Feb. 19th. 1844

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the Note of Mr Elliot H. B. Majesty's Chargé d' Affaires under date of the 10th Inst. accompanying the copy of a despatch from the Earl of Aberdeen to her Majesty['s] Minister at the city of Washington The Right Honorable Richard Packenham.

The very friendly feelings towards Texas evinced in the despatch of his Lordship, as well as in the note of Mr. Elliot transmitting it to the undersigned, and the very frank manner in which the views

<sup>a</sup> A duplicate of the declaration was doubtless sent to Elliot with this letter.

<sup>b</sup> February 16, 1844. Written by Elliot and signed by Elliot and Jones. See Elliot to Jones, January 4, 1844.

of the British Government have been communicated are highly satisfactory to the President who as Mr. Elliot is no doubt well aware has always heretofore entertained as he now does the fullest confidence in the justice of Her Majestys Government, and the propriety of the course adopted and pursued by it towards this country

The undersigned avails himself of the present opportunity to tender to Mr. Elliot renewed assurances of the high consideration and respect with which he has the honor to remain

His very Obt' Humble Servant

(Signed)

ANSON JONES

To

Capt. CHAS ELLIOT

*H. B M.s Chargé d' Affaires*

*etc. etc. etc.*

JONES TO ELLIOT.<sup>a</sup>

[Sends warrants for the commanders of forty-seven British vessels, the names of which are given, to act under treaty of November 16, 1840, for the suppression of the slave trade.]

JONES TO ELLIOT.<sup>b</sup>

ELLIOOT TO JONES.<sup>c</sup>

GALVESTON March 22. 1844.

The Undersigned Her Britannic Majesty's Chargé d' Affaires to the Republic of Texas has the honor to request that the Government of Texas will be pleased to issue a Warrant enabling Commander Francis Scott of Her Majesty's Sloop "Hyacinth" about to be employed on the North American and West India Station to act under the treaty between Great Britain and Texas for the suppression of the Slave Trade

He avails himself of this occasion to renew to Mr. Jones the expressions of regard and distinguished consideration with which he has the honor to remain

His faithful and most obedient Servant

CHARLES ELLIOT.

The Honorable

ANSON JONES

*etc. etc. etc.*

*Washington on the Brazos*

<sup>a</sup> A. L. S., February 19, 1844.

<sup>b</sup> March 18, 1844. See Calendar.

<sup>c</sup> A. L. S.

ELLIOT TO JONES.<sup>a</sup>

ELLIOT TO JONES.<sup>b</sup>

ELLIOT TO JONES.<sup>c</sup>

GALVESTON March 22d. 1844.

The Undersigned Her Britannic Majesty's Chargé d'Affaires to the Republic of Texas has the honor to acquaint Mr. Jones that the broken condition of his health has compelled him under strong medical advice, to ask for leave of absence to quit these climates, and he would further wish to state that it will be necessary for him to return to New Orleans by the "New York" and set out to the Northward as soon as possible.

Prevented therefore from having the satisfaction of paying his respects to the President before his departure, he commits it to Mr. Jones's kindness to convey to His Excellency the expression of his sincere desire for the honor and prosperity of the Republic, and his cordial wishes for His Excellency's continued health and happiness.

The Undersigned will remain in the neighbourhood of New Orleans for some weeks, and till Mr. Jones shall hear from him again, he trusts that the Government of Texas will have the goodness to forward any communications to his address, under cover to the care of J. Macdougall Esqr. Galveston.

He requests Mr. Jones to accept his best wishes, as well as the sentiments of regard and distinguished consideration with which He has the honor to remain

His faithful, and most obedient Servant

CHARLES ELLIOT

The Honorable

ANSON JONES

etc. etc. etc.

Washington on the Brazos.

JONES TO ELLIOT.<sup>d</sup>

JONES TO ELLIOT.<sup>e</sup>

[Incloses a warrant for the commander of the British sloop *Hyacinth* to act under the treaty of November 16, 1840, for the suppress-

<sup>a</sup> A. L. S., March 22, 1844. See Calendar.

<sup>b</sup> March 22, 1844. See Calendar.

<sup>c</sup> A. L. S.

<sup>d</sup> March 25, 1844. See Calendar.

<sup>e</sup> March 25, 1844.

sion of the slave trade; also an authorization to the proper persons in Great Britain, to make necessary corrections in the names of commanders or ships specified in the warrants.]

**ELLIOT TO JONES.<sup>a</sup>**

**ELLIOT TO JONES.<sup>b</sup>**

**ELLIOT TO JONES.<sup>c</sup>**

[Requested warrants from the Texan Government for the commanders of five British ships, the names of which are given, to act under the treaty of November 16, 1840, for the suppression of the slave trade.]

**KENNEDY TO JONES.<sup>d</sup>**

**JONES TO ELLIOT.<sup>e</sup>**

[Incloses the warrants requested in Elliot's letter of May 1.]

**SMITH TO JONES.<sup>f</sup>**

No. 56

LEGATION OF TEXAS, LONDON

June 18, 1844

The Hon ANSON JONES

*Secretary of State*

SIR,

Nothing of any importance connected with the affairs of Texas has transpired here so far as I know, since the date of my last dispatch to your Department. News from the United States up to the 1st Instant has been received here at which time as you are aware the Treaty of Annexation was still before the American Senate, without however any prospect of its ratification or of the immediate accomplishment of annexation in any other manner. The remarks of several members of Parliament and of other influential men, show me that this matter is still viewed as of great importance to England.

<sup>a</sup> March 28, 1844. See Calendar.

<sup>b</sup> A. L. S., April 3, 1844. See Calendar.

<sup>c</sup> A. L. S., May 1, 1844. Written from New Orleans. Elliot left Galveston soon after his letter to Jones of April 3 was written.

<sup>d</sup> June 3, 1844. See Calendar.

<sup>e</sup> June 14, 1844.

<sup>f</sup> A. L. S.

I am not informed whether this Government are taking any steps to prevent annexation: I suspect they will do nothing herein until they shall learn the definitive disposition of the annexation Treaty. I have endeavored to impress on the leading men here the opinion that the only means of preventing annexation is by rendering it unnecessary or disadvantageous for Texas:—that tho' the "Treaty" will be rejected for the present by the U. States Senate, owing chiefly perhaps to temporary party considerations, that the American people will not long resist the allurement of so important and desirable an addition to their territory. I have moreover explained how greatly preferable for Texas also, is annexation which will bring peace, to a continuance of the present unsettled relations with Mexico which delay the full developement of our resources;—notwithstanding that Texas may have nothing to fear and in fact fears nothing from the active hostilities of Mexico. On no occasion have I expressed opinions counter to annexation;—my purpose has been to stimulate this Govt. to a more vigorous employment of their influence with Mexico to obtain peace for Texas:—in regard to which matter I see no reason for changing the opinions expressed in my last dispatch. I shall keep your department promptly informed of whatever may transpire here connected with our affairs.

The Mexican Gov. are not as I am aware making any efforts in this country, having relation to Texas.

A vessel arrived at Hull a short time since from Texas:—the Captain complained of the exorbitant port charges of Galveston which he said must impede and damage the commercial prosperity of this port.

I transmitted last year some documents from the Baron de Cetto, Bavarian Minister, of which no account has been yet received.<sup>a</sup>

I have the honor to be  
very respectfully  
Your most obed: servant

ASHBEL SMITH.

SMITH TO JONES.<sup>b</sup>

57

LONDON, 42 ST JAMES'S PLACE

June 24, 1844.

Hon ANSON JONES  
*Secretary of State*

SIR,

I have had an interview to day with Lord Aberdeen at his request concerning the relations of Texas and chiefly in reference to

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<sup>a</sup> See Smith to Jones, August 22, 1843.

<sup>b</sup> A. L. S.

the negotiations at Washington in the United States for 'annexation.' The unfavorable impression relative to the course of Texas entertained by his Lordship previously to my late interview with him appears to have been entirely removed; and Her Majesty's Government perceive that Texas in agreeing to treat for annexation has been influenced only by the wish to obtain in this way honorable peace after the total avowed failure of the Mediation of friendly Powers.

Lord Aberdeen observed that Her British Majesty's Government and that of France had communicated with each other touching the "annexation";—that, entire harmony of opinion subsists and that they will act in concert in relation to it:—that, though the rejection of the Annexation Treaty by the American Senate was regarded as nearly or quite certain, nothing would be done by these Governments until the American Congress shall have finally disposed of the subject for the present session. He stated that then the British and French Governments would be willing, if Texas desired to remain independent, to settle the whole matter by a "Diplomatic Act":—this diplomatic act in which Texas would of course participate would ensure peace and settle boundaries between Texas and Mexico, guarantee the separate independence of Texas, etc., etc.;—the American Government would be invited to participate in the "Act" as one of the parties guaranteeing etc., equally with the European Governments;—that Mexico, as I think I clearly understood his Lordship, would be invited to become a party to the Diplomatic Act, and in case of her refusal, would be forced to submit to its decisions:—and lastly, in case of the infringement of the terms of settlement by either of the parties, to wit, Texas or Mexico, the other parties would be authorized under the Diplomatic Act, to compel the infringing party to a compliance with the terms.

Lord Aberdeen did not as I remember use the word Treaty, but employed the phrase Diplomatic Act. It would however have all the obligations of a treaty, and the rights of all the parties under it would of course be *perpetual*. I say, of course; for the other parties could not be expected to make a treaty of this nature limited for such a period as would suit the convenience of Texas. Such act would too, as you will have already remarked give to the European Governments, parties to it, a perfect right to forbid for all time to come the annexation of Texas to the United States, as also even the peaceful incorporation of any portion of Mexico beyond the boundary to be settled, which might hereafter wish to unite itself with Texas.

Lord Aberdeen observed that France will be guided in this matter by the counsels of England he suggested therefore that if such diplomatic act shall be passed, it shall be done at London.

I remarked to Lord Aberdeen in reply, that I had received no instructions from home since our interview a few days ago; that I had transmitted a memorandum of our conversation at that time to my Government with a request for instructions and information; and that until I should receive these I did not well see what further observations I could make. To avoid all possible misconception, I again stated that my remarks at our late interview were intirely unofficial.

The permanent perpetual character of a diplomatic act of the nature spoken of by Lord Aberdeen, appears to me as it will doubtless to you, worthy of our gravest consideration before acceding to it; and the inviting of European Governments to make compulsory settlement of dissensions between the countries of America and the conferring on them of the right to interfere in our affairs may lead to the greatest inconveniences on our side of the Atlantic; as such interference and settlements have been the pretexts for inflicting atrocious wrongs and oppressions on the smaller states of Europe. I have believed that the objections to a Diplomatic Act as mentioned above will be deemed by our Government greater perhaps than the inconveniences of our unsettled relations with Mexico.

I am clearly of opinion that these Govts. will not urge on Mexico to make peace, except in some such manner as I have stated above or on such conditions and guarantees as shall insure the permanent independence of Texas. Further, I should not be surprised were they to counsel Mexico not to make peace under present circumstances except with such conditions and guarantees, lest by so doing annexation should be facilitated by removing one of the obstacles to its accomplishment on the part of the United States.

Lord Aberdeen more than once made observations to the effect that he regretted the agitation of the abolition of Slavery in Texas, as it had created so much feeling and dissatisfaction on our side of the Atlantic; and that hereafter he would have nothing to say or do in relation to this subject.

The tone of Lord Aberdeen's remarks towards Texas was very friendly; and I believe a sincere desire exists on the part of his Government to foster our interests provided we remain independent; and, that Lord Aberdeen is prepared to adopt any proper course and to take promptly and efficiently all proper steps to bring about a peace with Mexico, if he felt assured that our annexation to the American Union would in that event be prevented.

For this purpose he would be satisfied with nothing less than a diplomatic act, the stringency of whose terms would be settled by negotiation.

I shall keep your Department promptly advised of whatever transpires here.

I have the honor to be  
most respectfully  
your obedient servant

ASHBEL SMITH.

P. S. I have just received July 1st. your despatches of March 26, with the accompanying documents, also letters from Mr Van Zandt.<sup>a</sup>

JONES TO SMITH.

DEPARTMENT OF STATE  
Washington July 14th 1844

SIR

My last despatch to you was under date of the 26th March last<sup>b</sup>. Since then I have had the pleasure of receiving your several communications to the 2d. June Ult.

The views you have expressed in your conversation with Lord Aberdeen as detailed in your letter of the 2d June<sup>c</sup> are approved by the Department.

The Treaty for the annexation of Texas to the U. States having been rejected, the attention of the government is again turned to the subject of our relations with Mexico. The absence of the President at this time prevents me from giving you his views in detail at the present moment on this matter. The intelligence of the British and French Governments will not fail to make them perceive the importance of an early and decisive action on their part in reference to a settlement of the difficulties between this country and Mexico, and the establishment of our *unconditional* independence through their influence.

You will bring this matter at once to the consideration of both Cabinets, and ascertain what offers (if any) they are disposed to make based upon an assurance from Texas, that she will maintain her National unity; and upon an advantageous reciprocal commercial arrangement, between Texas and either or both of those countries. Should England or France singly or in concert, be disposed to enter into any negotiations on this subject it is the wish of the Government to be informed of it through you as early as possible and that their

<sup>a</sup> These letters have not been found.

<sup>b</sup> In Correspondence with France.

<sup>c</sup> *Ibid.*

agents here should be instructed to enter at once upon those negotiations with full powers to conclude the same.

You will also ascertain the substance of the correspondence which has taken place between France and England on the subject of Texas, and communicate the same to this Department with as little delay as practicable

Enclosed herewith I send you a copy of a letter from Gen Murphy U. S. Chargé d' Affaires giving some information lately recd by him from Mexico. I also enclose you the copy of a letter addressed to the President by Gen Adrian Woll, announcing the renewal of hostilities on the part of Mexico. The complaint set up by Gen Santa Anna that Texas has acted perfidiously in not sending Commissioners to Mexico agreeably to the terms of an *armistice* proposed at Sabinas by the Commissioners who were sent there is without any just foundation in fact. As It was one of the expressed and agreed conditions upon which those Commissioners were sent that any agreement which might be made by them should not be of any force unless confirmed by the Supreme Govt of Mexico on the one part and Texas on the other.

This Government immediately on its receipt rejected this proposed Armistice information of which was informally given to Capt Elliot, the medium of Communication between us and Mexico. On the other hand the Supreme Govt of Mexico failed to give us notice that she had approved the acts of her Commissioners. So that both by the act of rejection on the part of this Govt and the omission on the part of Mexico to notify Texas that she had approved and confirmed the Armistice the same was void, and utterly null.

It is scarcely possible for Mexico to invade this country and it is more than probable that this vaporizing on her part is only to give color to her pretended title to Texas, for the purpose of making better terms for herself, in any arrangement she may feel disposed to make for its final relinquishment

The condition of the country is at this time highly prosperous, the revenues are now being collected and disbursed entirely in gold and silver, the present crops promise to be abundant and the people are fully prepared and willing to meet the issue of peace or war, as destiny and the honor safety and welfare of the nation may determine or require

I have the honor to remain  
with the highest respect  
Your Most Obt Svt

Signed

ANSON JONES

To,

ASHBEL SMITH Esq  
etc. etc. etc.

[Inclosed were Woll to Houston, June 19, 1844;<sup>a</sup> and Murphy to Jones of uncertain date, but probably written only a few days before July 14, the date of Jones's letter in which it is inclosed. The information it transmitted was probably that contained in Green to Murphy, dated Mexico, June 17, 1844,<sup>b</sup> or another letter mentioned therein that was previously sent. Green states that he has written that Santa Anna is about to renew the invasion, with expectation of foreign aid; that an order from Santa Anna to Woll to the effect that anyone found a league east of the left bank of the Rio Grande is to be shot as a traitor has been published in the *Diario del Gobierno*; and that he has asked the British minister to join him in a remonstrance against the order, but the minister has declined to interfere except by requesting verbally that the order be not enforced against British subjects.]

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HOUSTON TO SANTA ANNA.<sup>c</sup>

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HILL TO WOLL.<sup>d</sup>

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ELLIOT TO JONES.<sup>e</sup>

[Requests warrants for the commanders of four British vessels, whose names are given, to act under the treaty of November 16, 1840, for the suppression of the slave trade.]

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HOLFORD AND Co. TO SMITH.<sup>f</sup>

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SMITH TO JONES.<sup>f</sup>

[58]

LEGATION OF TEXAS, PARIS

*July 31, 1844.*

The Hon ANSON JONES  
*Secy of State.*

SIR,

Nothing of any importance has occurred here or in England connected with our affairs since the date of my last despatches. I visited the King a few days since at Neuilly; he was kind enough to take

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\* See Calendar of Correspondence with the United States, in Part I.

<sup>b</sup> See *The Morning Star*, July 11, 1844.

<sup>c</sup> July 29, 1844. See Jones to Smith, August 1, 1844.

<sup>d</sup> A. L. S. July 31, 1844.

<sup>e</sup> Undated. See Smith to Jones, July 31, 1844.

<sup>f</sup> A. L. S.

me into a private room where we spoke at length about the annexation of Texas to the American Union and of our affairs generally. The tone of his observations was very friendly. The French Gov desire that annexation may not take place, but they care much less about it than do the British Gov. I believe both these Govs. would make great commercial concessions in favor of the products of Texas, conditioned that we remain independent. Should any new circumstances determine Texas not to accede to the annexation, the present occasion to obtain commercial advantages ought not to be neglected. Accordingly I am waiting for an answer from your Department to my former communications, in order, if authorized so to do, to propose to Lord Aberdeen a great reduction of the duties now levied in British Ports on our cotton and other products; which reduction to continue not less than a term of years, should operate as an inducement to the citizens of Texas to decline annexation. This would be done by an order in council and would impose no obligation on Texas. This as well as my former suggestions to your department on this subject, are made not as reasons of any weight whatever against annexation, but in the event that annexation from any circumstances should be impracticable or not desirable.

I herewith enclose copies of letters received some time since from James Holford Esq stating the amount of Texian Bonds in his possession. I also herewith send a letter to a resident of Galveston, which letter was handed me by the Chargé d' Affaires of Tuscany with a request to forward it.

His Excellency Mr Everett stated in one of his communications to his Government that I was present at an interview of the Antislavery Convention's Committee with Lord Aberdeen. I wrote to Mr Everett to correct this error—he has informed me that he has done so in a communication addressed to his Government.

I am

Very respectfully  
Your most obed. Servant

ASHBEL SMITH

(Copy.)

LONDON.

ASHBEL SMITH Esqr

*Chargé d'Affaires Texas*

SIR,

We beg to annex a copy of a letter addressed you on the 21st July 1842 which we regret to learn from our Mr Holford has never reached you.

We remain

Sir,

Your obedient Servants

signed.

HOLFORD & CO

Copy Annexed.

LONDON 21st July 1842

ASHBEL SMITH Esquire

*Chargé d'Affaires, Texas.*

SIR,

Since we had the pleasure of seeing you, General Hamilton has arrived here from New York, and we are enabled to inform you, that of the 257 Texian Bonds in our possession, 156—value £20250, belong to our Mr Jas Holford and the remaining 101, value £10100—are the property of other parties.

We remain, Sir,

Your most obedient servants

signed

HOLFORD & Co

JONES TO SMITH.

DEPARTMENT OF STATE

Washington August 1st. 1844

Hon. ASHBEL SMITH

*Chargé d'Affaires of the Republic of Texas.*

etc. etc. etc.

SIR,

My last despatch was addressed you on the 14th. Ult. and forwarded by Mr. J. H. Greise<sup>a</sup> of London, since which time I have had the pleasure of receiving your communication of the 16th.<sup>b</sup> June last.

Your brother Mr. George A. Smith left this place the day before yesterday for Galveston and informed me he should sail by the first opportunity which offered from that place for New Orleans, from whence he expected to proceed to Paris. I forward this despatch, to his care and expect he will be the Bearer of it to you. I also avail myself of his going over to forward for the use of our Legations copies of the Laws and Journals of the last Congress.<sup>c</sup> \* \* \*

The President has directed me to grant your request for leave of absence and for permission to return home, and I enclose you herewith your letters of leave to be presented to the respective ministers of foreign Affaires of England and France whenever you are ready to depart for Texas. They have been made out in the form of leave of absence for six months, as it has been thought for certain reasons more expedient than letters of recal. If there should be a fair prospect of effecting a treaty with the government of Spain, within any brief period after the receipt of this despatch, and it will suit your convenience to remain a short time for that purpose you can so

<sup>a</sup> This name is uncertain.

<sup>b</sup> Of the 18th, in fact.

<sup>c</sup> The matter omitted here relates to Jones's salary.

remain, and conclude the treaty otherwise you are at liberty to return home at your own earliest convenience. Gen. George W. Terrill, Attorney General of the Republic will probably be appointed as Chargé d'Affaires to reside in Europe and discharge the duties of that office during your absence. Should he not arrive before you are ready to depart for Texas you can leave the Archives of the Legations under your charge with the respective Consuls General for England and France or with either of them as you may deem most adviseable.

In relation to the subjects of annexation to the U. States and the Mediation of friendly powers between Texas and Mexico, I have only to repeat what I in substance communicated to you in a former despatch, that should either England or France separately or both powers conjointly be disposed to make any offers to guarantee to Texas a truce of convenient form and duration, or freedom from further molestation by Mexico, or an acknowledge[ment] of our separate independence by that power, based upon assurances from this government of maintaining that separate independence, and upon reciprocal commercial privileges and advantages, it is the wish of this government that their representatives here should be instructed at the earliest day possible on this subject and fully empowered to conclude the necessary arrangements for carrying these purposes into immediate effect. It is the desire of the President that all future negotiations connected with the subjects above referred to should be conducted at the seat of Government of Texas.

Enclosed herewith I transmit copies of the replies of the President and Secretary of War to the communication from Gen Woll of the 19th June last.<sup>a</sup>

I have the honor to be  
very respectfully  
Your Obt. Servant

(Signed) ANSON JONES.

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DECLARATION OF HIBBERT.<sup>b</sup>

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JONES TO ELLIOT.<sup>c</sup>

[Incloses the warrants requested in Elliot's letter of July 31.]

<sup>a</sup> Both replies were dated July 29, 1844. For both, see the Correspondence with Mexico, that of Houston being calendared.

<sup>b</sup> September 16, 1844. See Journals of extra session of 9th Cong., pp. 63-64 in *Senate Journals of 7th to 9th Tex. Cong.* inclosed with Elliot to Allen, January 8, 1845.

<sup>c</sup> September 21, 1844.

SMITH TO JONES.<sup>a</sup>

LEGATION OF TEXAS, PARIS.

September 27, 1844

Hon ANSON JONES

*Secretary of State*

SIR,

I have the honor to acknowledge the receipt of your dispatches dated July 14th, which came to hand three days since. I have lost no time in attending to the matters embraced in them. Monsieur Guizot left Paris for the Château d' Eu the day on which they were received; he will not return here until after his visit to England whither he accompanies the King of the French. It is probable I shall leave for London in a very few days; the reasons connected with the present business which require me to remain a short time at Paris will be mentioned further on.

My despatches and private letters subsequent to the 2d June, and particularly my despatches of the 24th June with the explanatory private letters, have put you ere this time, in possession of the views of these Governments and have anticipated your instructions "to ascertain the substance of the correspondence which has taken place between France and England on the subject of Texas."

I imagine that my Lord Aberdeen will adhere to the project of a "Diplomatic Act," as communicated in my despatches to your Department of the 24th June. I have written to London requesting Mr. Rate our Consul General who is fully and minutely acquainted with this subject, to bring it forthwith before the notice of the British Government and urge them to send to their Minister in Texas powers and instructions to conclude a Diplomatic Act *there*, and to incorporate in the same, commercial regulations between the two countries. While in London, I discussed this subject so fully with Lord Aberdeen and Mr Addington, at the same time I conversed so much at length with our Consul, that, with my private letters to the latter gentleman (Mr Rate) the British Government are now in possession of all the considerations which should lead them to send forthwith the powers and instructions, as suggested in your despatch, to their Minister in Texas; and I believe they fully appreciate the force of these considerations. As Lord Aberdeen informed me that the French Gov. would be guided in this matter by the counsels of the British Gov, as stated in my despatch of 24th June, it may be expected that the Count de Saligny will receive powers and instructions conform-

<sup>a</sup> A. L. S.: indorsed "par le bateau à vapeur de Liverpool à Boston le 4 octobre."

able to those that may be sent to the British Chargé d' Affaires in Texas.

It has appeared to me advisable not to make at this moment a formal, written communication to the British Gov. on the present matter; but my private letters to Mr Rate for his guidance herein are full and explicit. I make the following extracts from one of day before yesterday:

"I will state distinctly the course which is deemed advisable in the "present circumstances. It is that the English and French Govts "should forthwith transmit to their respective Ministers in Texas full "powers and instructions to conclude a treaty or diplomatic Act with "Texas based on the condition that it remain a separate and inde- "pendent State. These Governments may require this condition to "form an essential part of any treaty or diplomatic act to be hereafter "passed between them and the Texian Government. This was not, as "you are aware, contemplated by Mr Jones when writing his despatch "of July 14th, as he had not at that date received my despatch com- "municating Lord Aberdeen's proposition of the Diplomatic Act." I afterwards intimated that the Ministers in Texas should be empowered to conclude a diplomatic act to remain in force for a limited period, say ten years, with the risk of 'annexation' afterwards.

I have requested Mr Rate to communicate to me promptly the result of his interview with the British Gov. I shall hear from him in two or three days. I am waiting in Paris to communicate if necessary with this Government, and with some hopes of receiving despatches from your Dep[artment] in answer to mine of June 24th. Unless I am informed that 'powers and instruction' are sent out by this vessel to the Ministers of France and England in Texas, I shall go at once to England so as to be enabled to transmit to you by next steamer definitive information.

I have deemed it not wholly improbable that Lord Aberdeen may before taking any new step, determine to wait for your answer to the proposed Diplomatic Act as presented to me in our interview of the 24th June and set forth in my despatch of the same date:—Captain Elliott is, I understand, absent from Texas:—these causes of delay may prove prejudicial to our interests; a course has nevertheless suggested itself to me which I shall explain in a private letter to His Excellency General Houston, to be sent by this mail. I need not add, that I shall keep strictly within the limits of the instructions already received from your Department.

I have directed Mr Rate to urge on Her Majesty's Ministers the importance of establishing *without delay* such political and commer-

cial relations with Texas as the British Government may be willing to enter into, on condition that Texas maintain its separate and independent existence.

I have the honor to be  
very respectfully  
your obedient servant

ASHBEL SMITH.

JONES TO SMITH.<sup>a</sup>

SMITH TO JONES.<sup>b</sup>

LEGATION OF TEXAS, PARIS

October 4, 1844

Hon ANSON JONES,  
*Secretary of State*

SIR,

Since the date of my last despatch I have heard from London in relation to the matters contained in your despatch of July 14th. Lord Aberdeen being absent in Scotland in attendance on the Queen, Mr Rate called on Mr Addington Under Secretary of State.

Mr Rate writes me that Mr Addington expressed in relation to the affairs of Texas opinions entirely in accordance with Ld Aberdeen's previous communications with me;—that he left on Mr Rate's mind the impression that the "British Government would act promptly and decisively;" and Mr Addington promised to write to Lord Aberdeen by that night's post on this subject. It is unfortunate that the decision of the Ministers for For. Aff. of these Governments has been delayed for a few days by their absence from their posts. Mr Rate intimates that the British Government will probably prefer to negotiate at London. I shall write him by today's mail, that the time requisite for receiving powers and instructions from Texas, presents of itself alone an insuperable obstacle, and that the Government of Texas have expressed a clear request that the negotiations should be conducted in their country. The British Gov. are well aware of the necessity of promptly deciding this matter. The sole question in my opinion is, whether the British Government will agree to conduct the negotiation through their Minister in Texas, or persist in their proposition to negotiate in London. I think a *definitive* answer may be counted on in season for the steamer of the 19th Instant, and in case of the adoption of the former course, the requisite powers will probably be transmitted by that opportunity if not by an earlier one.

<sup>a</sup> September 30, 1844. See Calendar.

<sup>b</sup> A. L. S.; indorsed "*per Great Western.*"

In reference to the recent threats of Mexico,<sup>a</sup> Mr Addington said he did not believe General Santa Anna had the remotest idea of invading Texas.

My last dates from your department are of the 14th July.

I have the honor to be

very respectfully

your obedient servant

ASHBEL SMITH.

ELLIOOT TO JONES.<sup>b</sup>

[Requests warrants for the commanders of two British vessels, the names of which are given, to act under the treaty of November 16, 1840, for the suppression of the slave trade.]

KENNEDY TO JONES.<sup>c</sup>

HER MAJESTY'S CONSULATE;  
Galveston, October 21st. 1844.

SIR,

I have the honor to inform you that I am instructed by the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, to request the Government of Texas to issue a warrant to enable Captain William Kelly, of Her Majesty's Ship "Conway", about to be employed on the Cape of Good Hope station, to act under The Treaty of November 16th. 1840, between Great Britain and this Republic—for the suppression of Slave Trade.

In accordance with his Lordship's instruction, I beg to request the Government of the Republic to issue the requisite warrant. and to forward it to me, for transmission to the proper quarter.

I Have the Honor to Remain,

With the Highest Respect,

Sir,

Your most obedient,

Faithful Servant.

WILLIAM KENNEDY

The Honble ANSON JONES

*Secretary of State*

*etc. etc. etc.*

<sup>a</sup> In Woll to Houston, June 19, 1844. See Calendar of Correspondence with the United States.

<sup>b</sup> A. L. S., October 18, 1844.

<sup>c</sup> See Records of Department of State (Texas). Book 42, pp. 543-544.

HOUSTON TO MINISTER OF FOREIGN AFFAIRS [ABERDEEN].<sup>a</sup>

[Letter of credence for George W. Terrell as chargé d'affaires from Texas to Great Britain and Ireland.]

JONES TO TERRELL.

DEPARTMENT OF STATE

Washington Oct. 29th, 1844

SIR,

The President having been pleased to appoint you Chargé d' affaires of this Republic to the courts of England France and Spain you will receive herewith your commission as such <sup>b</sup> and your letters of credence to these respective governments to be presented severally to the Minister of Foreign Affaires of those Nations, with copies of the same, and also full powers to negotiate treaties with those several governments

It is the wish of the President that you would proceed on your mission immediately and assume the duties of it without any delay. It is supposed that Mr. Smith will have left Europe before you arrive there, if so you will probably find the Archives of the English and French Legations in the charge of our Consuls General Mr. Rate in London and Mr Brunet at Paris. Among these Archives you will find sufficient instructions for your immediate governance, by which you will in the first instance be governed. Others will be sent you from time to time from this Department.

On your arrival in England you will direct your attention to ascertain as far as practicable what is the substance of the correspondence which has taken place between England and France, within the last few months on the subject of a settlement of our difficulties with Mexico and the affairs of Texas generally. You will also ascertain what those two governments propose to do in the matter and refer the same to this government for its consideration and action. Texas has already made so many overtures to foreign friendly powers that it is deemed most desirable under existing circumstances to wait until those powers who feel sufficient interest in the future state and condition of our country to make any propositions shall have submitted those propositions and in a definite and tangible form.

Now appears to be the most favorable time to enter into negotiations with France and England for the admission of our products into

<sup>a</sup> Undated; probably written October 29, 1844. See Jones to Terrell, of this date, with which it was sent.

<sup>b</sup> No copy of this document is on file.

their ports upon more favorable terms than present treaties permit in consequence of the absence of the obstacles which a commercial treaty with the U. States might interpose. You will therefore ascertain what the dispositions of those governments may be in reference to this subject, and refer such propositions as they shall make in this regard to this government for its consideration and action also. It is very desireable however that all negotiations on the subjects above referred to should be conducted in Texas and that the ministers of those governments resident here should be fully empowered to enter at once upon those negotiations

The absence of despatches from Mr Smith for some time past, renders it inexpedient to extend further or more definite instructions to you at the present moment. So soon however as I recieve his expected communications or he shall return home and give me the benefit of a personal interview I will forward you more ample ones

I have the honor to be,

with great respect

Your Obt Servant

(Signed)

ANSON JONES

Hon G W TERRELL

*Chargé d' Affaires of Texas*

*etc. etc. etc.*

JONES TO KENNEDY.<sup>a</sup>

DEPARTMENT OF STATE,  
Washington, Oct 30th. 1844.

WILLIAM KENNEDY, Esquire,

*Consul of H. B. Majesty, etc. etc. etc.*

SIR,

I have the honor to acknowledge the receipt of your Note, addressed to this Dept., under date of 21st. inst., communicating the request of the Government of H. B. Majesty, that a warrant, under the provisions of the Slave Trade Treaty between the Republic of Texas and Great Britain, be issued to Captain William Kelly, of Her Majesty's Ship "Conway", about to be employed on the Cape of Good Hope Station—and to forward herewith, the warrant as requested.

I have the honor to be,

With great respect,

Yr. Obt. Servant

ANSON JONES

<sup>a</sup> See Records of Department of State (Texas), Book 44, p. 228.

KENNEDY TO JONES.<sup>a</sup>

HER MAJESTY'S CONSULATE;  
*Galveston, November 8th 1844.*

SIR

By direction of the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honor to transmit herewith, for the information of the Government of Texas, one Copy of the Instructions recently issued for the guidance of Her Majesty's Naval Officers employed in the suppression of the Slave Trade.<sup>b</sup>

I have the Honor to Remain,  
 with the Highest Respect,  
 Sir,

Your most obedient  
 Faithful Servant

WILLIAM KENNEDY

The Honorable ANSON JONES  
*Secretary of State of the Republic of Texas*

HALL TO KENNEDY.<sup>c</sup>

DEPARTMENT OF STATE,  
*Washington, Nov. 13th. 1844.*

W.M. KENNEDY, Esquire,  
*Consul of H. B. Majesty*  
*etc. etc. etc.—Galveston.*

SIR,

I have the pleasure to acknowledge the receipt of your Note, addressed to this Dept. under date of the 8th. inst., and also the copy, therewith transmitted, of instructions, recently issued for the guidance of H. B. Majesty's Naval Officers, employed in the suppression of the African Slave Trade.

Very respectfully,  
 Yr. Obt. Servant.

JOHN HALL  
*Chief Clerk.*

JONES TO ELLIOT.<sup>a</sup>

[Incloses the warrants requested in Elliot's letter of October 18.]

<sup>a</sup> See Records of Department of State (Texas), Book 42, p. 547.  
 These instructions have not been found.

<sup>b</sup> See Records of Department of State (Texas), Book 44, p. 229.

<sup>c</sup> November 15, 1844.

ALLEN TO ELLIOT.<sup>a</sup>

[Announcing the *personnel* of the new administration. Allen himself is attorney general and charged with the duties of secretary of state *ad interim.*] 

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## ALLEN TO KENNEDY.

DEPARTMENT OF STATE,  
Washington, 23d. Decr. 1844

The undersigned, Attorney General of the Republic of Texas, charged, *ad interim*, with the direction of the Department of State, takes great pleasure, in acknowledging the receipt of the two several notes, addressed by Mr. Kennedy, Her Britannic Majesty's Consul, at Galveston, to this Department, the former, under date of the 23d ultimo, and the latter, of the 9th inst., together with the Chart of the Coast of Texas, therewith transmitted.<sup>b</sup> Mr. K., will observe, that the information, communicated in the former, relative to the necessity of a light-house, or some other conspicuous beacon, at Galveston, for the benefit of navigators, entering that port, has formed a distinct subject of remark, in the late Message of the President to Congress; in which the construction of proper land marks and beacons was recommended.<sup>c</sup>

In acknowledging the receipt of the Chart, referred to, the undersigned assures Mr. Kennedy, that he doubts not its adaptation and sufficiency for the purposes intended to be accomplished by it, and considers it as another link in the chain of those meritorious labors, whereby Mr. K. has secured the esteem and gratitude of the people of Texas, as well as the high regard with which the undersigned has the honor to be

Very Respectfully His obt. Servt.

(signed)

E. ALLEN

To WM KENNEDY, Esq.

*H. B. Majestys Consul etc. etc. etc.*

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SMITH TO JONES.<sup>d</sup>ELLIOT TO ALLEN.<sup>e</sup>

<sup>a</sup> December 9, 1844.

<sup>b</sup> None of these inclosures has been found.

<sup>c</sup> See *House Journal*, 9th Tex. Cong., 70.

<sup>d</sup> December 24, 1844. See Calendar.

<sup>e</sup> January 8, 1845. See Calendar.

ELLIOT TO JONES.<sup>a</sup>

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TERRELL TO JONES.<sup>b</sup>

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TERRELL TO SMITH.<sup>c</sup>

(Despatch  
No. 1)

To the Honble ASHBEL SMITH  
*Secry of State Rep of Texas.*

SIR,

After a tedious voyage of more than forty days from New Orleans to Liverpool, I arrived in this City on Sunday evening the 12th Inst. Her Majesty, the Queen being in the country—making a round of royal visits amongst the nobility—and the Cabinet ministers generally (the Earl of Aberdeen of the number) being with her—I did not obtain an interview with his Lordship until yesterday afternoon. I had addressed him a note on my arrival, which he did not receive until his return to the City on the afternoon of Saturday, the 18th. He immediately sent me a note, appointing 4 O'clock on Monday to receive me at the Foreign Office.

On my arriving at the office and sending in my card, his Lordship immediately directed that I should be shown into his Office, although the Austrian Ambassador was in the ante-room awaiting an audience. I was received by his Lordship, very kindly and without any ceremony. Nor did I make to him any formal address—and this because I had understood the Earl to be a very plain, matter of fact man, entirely free from ostentation, and almost free from Court etiquette, which I found to be very much the case. I simply remarked to his Lordship, as I presented him my letter of credence, that there was a document accrediting me, as the representative of the Republic of Texas near the Government of Her Britanic Majesty etc.—that I was instructed by my Government to use my best endeavours to preserve, and if possible to strengthen and extend the bonds of friendship and the intercourse between the two nations—and to express to the Court of Her Majesty the sense of obligation entertained by the Govt. and people of Texas for the exertions they had made to settle the difficulties existing between Texas and Mexico. His Lordship entered, without preface and with evident concern, upon the affairs of Texas.

LEGATION OF TEXAS

*London Jany 21st 1845*

\* January 14, 1845. See Calendar.

<sup>b</sup> January 21, 1845. See Calendar.

<sup>c</sup> A. L. S.

He asked me if I had seen the letters of Mr. King and Mr. Calhoun on the subject of the annexation of Texas to the United States? \* Upon my replying in the affirmative, he asked me what impressions I had derived from them? To which I answered they had given me much concern—for they naturally led to the impression that the Government of France felt quite indifferent to the fate of Texas, which was so entirely different from what my Govt had been induced to believe to be the feeling of the French Cabinet, that I was altogether unprepared for the development of such a course of policy.

His lordship then gave me to understand that I might dismiss all my apprehensions on that account. He said he had at first taken up somewhat the same impression, but that he had lost no time in communicating with the French Cabinet, through the English minister at Paris on the subject—that he had directed Lord Cowley to put the question categorically to the French Minister, whether Mr. King's letter represented the views and policy of the French Cabinet correctly? The Earl read to me Lord Cowley's despatch containing an account of his action upon these instructions; in it is contained the most *explicit avowal* of Mr. Guizot that the Govt of France is ready to unite with that of Great Britain, and to go *the whole length* which the latter proposes to go for the establishment of the independence of Texas—which whole length is the guarantying the recognition of the independence of Texas by Mexico, and that without further molestation. And the two Cabinets are ready, *at any moment*, to sign with Texas a Diplomatic Act making this guaranty. Lord Aberdeen further informed me that he had lately received a despatch from the British Minister at Mexico, embracing an avowal *in writing* from Santa Anna, of his willingness to recognise the Independence of Texas, if Texas would consent to the Colorado as the boundary—which, his lordship added, Texas of course would not do—but continued he, Santa Anna has thus admitted the *principle* which we have so long been contending for, and it will not be difficult to manage the balance. His Lordship then remarked to me, *with some emphasis*, it now rests with Texas herself to determine whether she will remain an independent nation, or merge her existence in that of another.

In reply to a question as to my authority upon this subject, I made known to his lordship the wish of my Govt that the seat of these negotiations should be transferred to Texas; to which he assented without hesitation, and stated that he would lose no time in communicating with the French Cabinet on the subject, and would immediately forward instructions to Capt Elliot. This I was induced to believe, from a remark of his lordship (though he did not say so directly) has already been done, at least to some extent. All things

\* For Calhoun to King, August 12, 1844, see Calendar of Correspondence with United States.

considered, therefore, Texas certainly has cause of gratulation in the position she at present occupies in the family of Nations.

There is great solicitude manifested here, and a good deal of difficulty, to understand the course of the French Ministry on this subject. The public can not reconcile Mr. Guizot's declaration to Mr. King—that in no event would the question of annexation be regarded by France of sufficient importance to interrupt the relations of friendship between the U. States and France—with his declaration to Lord Aberdeen that France is ready to go with England *the whole length* which she proposes to go, which is even to the hazard of war. And with a portion of the press both of Paris and London the conduct of the French minister is the subject of severe animadversion—he is charged with inconsistency—with playing a double game etc. For my part I feel no difficulty in reconciling the conduct of Mr. Guizot throughout the transaction. In the first place it was quite natural that Mr. King should put the strongest construction upon the declarations of the French king and Mr. Guizot of which they were susceptible—but taking them in the fullest latitude and they amount to this, that the question of annexation is one between the U. States and Texas; if they think proper to consummate the measure France will not make it a cause of war nor even suffer it to interrupt the friendly relations existing between the two nations. To Lord Aberdeen Mr. Guizot says France is ready to unite with England in this matter of securing the independence of Texas, and to go the whole length that England proposes to go to effect this object so desirable to both Nations. In doing this—which we have the indefeasable right, by the laws of nations to do, and in doing which we infringe the rights of no other nation; and if for this the U. States chuse to make it the cause of quarrel with us, then we are ready to abide the consequences.<sup>a</sup> This I take to be the natural solution of this great apparent contradiction in the conduct of Mr. Guizot, and which is seized upon with much avidity by the opposition press both in France and England. I have no doubt it was the object of Mr. Calhoun, in the publication of both Mr King's letter and his own, to create the impression, (particularly in Texas) that the French and English Cabinets were divided in sentiment, and would not act in concert, on this subject; and perhaps one object was to produce this very division, of which he wished to avail himself. In this however he will be entirely disappointed—for on no subject are the two Cabinets more perfectly agreed than on the policy of maintaining the separate independence of Texas. Indeed there has been no period, perhaps, in the history of these nations, as you have doubtless observed, when there was a better understanding between the governments, (whatever may be

<sup>a</sup> It should be noted that this is part of what Terrell represents Guizot as saying to Aberdeen.

the hereditary antipathies of the people) than exists at the present time.

The Earl of Aberdeen said to me that he expected a despatch on the subject of Texas from Lord Cowley in a few days, and would let me see it. I shall therefore await its arrival when I shall again address your depatmt—and immediately depart for Paris.

I have the honor to be  
With great respect  
your obdt servt

G. W. TERRELL

TERRELL TO DAINGERFIELD.<sup>a</sup>

LONDON January 21st. 1845

From. Genl. GEO. W. TERRELL  
*Chargé d' Affaires of Texas*  
*at London*

MY DEAR DAINGERFIELD

Yours from Hamburgh of the 14th instant reached me last night about 10 oclock and I embrace the earliest hour to reply to you. It gave me great pleasure I assure you to hear from you but I am pained to learn that you are under apprehension of things going wrong with you at home. I think your apprehensions are entirely groundless. I know nothing of what has taken place since the last of October the time at which I left but I assure you that up to that time there was nothing wrong with regard to yrself so far as the Executive and Cabinet were concerned; on the contrary there was the utmost good feeling towards you personally and the most unlimited confidence in you as a public functionary entertained by the President and members of the Cabinet. You know that I am not given to flattery and smooth speech and therefore when I say this I mean it and I say it because I know it to be true; You were frequently the subject of conversation between the Executive and Cabinet and these were the sentiments uniformly expressed by all; Therefore if any adverse current has set in agst you it has been entirely since I left; There was an effort making to defeat the confirmation of your nomination by the Senate last winter; Not from any objections however urged against yourself but solely on account of Salary etc. As soon as I learned this and in accordance with your request I went to Greer and assured him that no appropriation would be asked by the President to sustain you during your absence abroad, upon this assurance the nomination was confirmed without hesitation and almost unanimously; I will lose no time however in complying with your request to the fullest extent and my services in any way that they can benefit you are always at your command; So much for your matters; Now to Texas; I left

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 122-126.

the Country in a more plentiful and prosperous condition than you or I had ever seen it before; and if our ever restless population would only be content to let well enough alone we would really be getting along very well, better than any nation ever has done at the same age of which the annals of the world give us any account; But our impatient speculators who imagine that their lands' would all be changed from Earth into Gold by the transition are run mad after annexation which in my opinion is after all a mere chimera of the wild brain; a mere ignis fatuus of the disordered immaginations of these wild enthusiasts. I cannot say however that it will not take place. I can only hope that a better fate awaits her, and pray to that God who controls the destines of Nations in his infinite mercy to avert such a calamity, for I should look upon its consummation as the death knell of the prosperity of Texas. I[t] would prove a very poor encouragement to you and myself and the few others who with us have borne the burthen and heat of the day, who have laboured and toiled for Texas, without any prospect or hope of reward other than the good of the country, to know that this beautiful country now of such high promise was shortly to be merged within the national limits of another—and that all the sacrifices of her Patriotic Sons, all the glories of her revolution, all the achievements of her gallant Sons on the battle field yea the splendid hallo which encircles the heights of San Jacinto itself were doomed so soon to droop and wither and fade and that Texas itself was destined to fill about half a Page in the work of some future Gibbon of America, and in a few more ages to be entirely lost in the mouldering ruins of extinguished nations and swept from the reccollections of mankind forever. I find in giving vent to my feelings I have wandered from the Text; I left old Sam Sound and hearty and as much your friend as ever. I did not see Dr Smith; He went by New York, I sailed direct from New Orleans to Liverpool; I suppose you are aware that he fills the State Department under Dr Jones I find things here in a better condition than I had supposed; Mr Kings letter and Mr Calhouns on the back of it had led me to fear that the French Cabinet were rather indifferent to our fate; But the Earl of Aberdeen on yesterday afternoon read to me a despatch just received from Lord Cowley in which is embraced an extract from the written declaration of Mr. Guizot, that France is ready to act in concert with England to the full extent the English Ministery propose to go on the Subject; Lord Aberdeen now proposes that France and England will with Texas sign a diplomatic Act in which the two former nations will guarrantee the independence of Texas without further molestation from Mexico upon the sole condition that Texas will pledge herself against annexation, and his Lordship remarked to me with some emphasis "it now depends upon

Texas alone whether she will remain an independent nation or not" Now my dear friend if our own headlong hot spirits in Congress should not do something at the present session to prevent it Texas is a free independent State and peace reigning throughout her borders; Another piece of very important news from his Lordship, he has just received from their Minister in Mexico a despatch containing an avowal of Santa Anna himself that he is willing to recognize the Independence of Texas if we will yield a little of the territory we claim. This is enough he has admitted the principle and must go the ballance before Long if he is not overthrown which I think probable. I write you these things of course in ministerial confidence—I know not your sentiments on the subject of Annexation, but I know Wm Henry Daingerfield and that is sufficient for me to know that any deposit with him is safe. I will be glad to hear from you constantly

Your freind sincerely

(Signed)

G W TERRELL

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TERRELL TO SMITH.<sup>a</sup>

(Despatch No. 2)

LEGATION OF TEXAS  
London Janry 27th 1845

Hon. ASHBEL SMITH

Secry of State etc.

SIR,

At his lordship's request, I had a second interview with the Earl of Aberdeen in the afternoon of yesterday. He submitted to my perusal the despatches which he has prepared to forward to Capt Elliot, and which will go out by the Steamer that will carry this. As Capt Elliot is instructed to make known to your departmt the substance of those documents, it is unnecessary for me to give you a detail of their contents. His lordship also submitted to my inspection a despatch just received (and left with him for that purpose) by the French Minister here, from his Govtmt on the subject of the affairs of Texas; also the copy of a despatch just sent forward to Count Saligny, the contents of which will also of course be communicated to your deptmt. You will discover from that despatch that the French Govtmt had but just then learned the willingness expressed by Santa Anna to the British minister at Mexico to recognise the Independence of Texas; hence Mr. Guizot supposes it not necessary *at present* to frame the diplomatic act, as mentioned in my despatch No 1 of the 21st inst. Why the French minister has come to this conclusion—after saying as he did to Lord Cowley (mentioned

in my last) that the French Govtmt were ready to go *the whole length* proposed by the British—I am at a loss to conjecture, unless, as intimated, upon the supposition that the consent of Santa Anna to recognise the independence of Texas will supersede the necessity of that measure. It will be seen however from the despatch, that Mr. Guizot declares it to be the settled policy of the King's Govtmt to unite with that of Her Britanic Majesty in the accomplishment of the great measure of the *separate independence* of Texas—which the two Govtmts look upon as a matter of great interest, both to the commercial and political relations of all the parties concerned. And Mr. Guizot adds that it is the more necessary that the sentiments of the King's Govtmt should be made known since the publication of *certain documents* on the other side of the Atlantic, calculated to *mislead* the public on this subject. Mr. Guizot also speaks of a *moral guaranty* which the two Govtmts will have given to Texas, if at their instance she shall withhold her assent to annexation to the U States; the force or obligation of which I did not clearly comprehend; and I asked his lordship to explain to me what he understood by it, and I think he was about as much at a loss as myself to understand it. One of his solutions however, I am inclined to think, gives the true spirit in which it was intended to be interpreted, viz, that the two Govts, having induced Texas to withdraw her proposition for annexation, would rest under a strong moral obligation to persevere in their efforts until her independence shall be permanently secured. I mention this to show the construction given to this remark by the Earl of Aberdeen—you will of course give it your own interpretation.

The Earl remarked to me that Her Majestys Govtmt were willing to go much further, but at present, they did not think it best to act alone in the premises, because of the clamour raised in the U States about the ambitious designs of England with regard to Texas—that as long as France and England acted conjointly in the matter, selfish motives could not, with any plausibility, be attributed to either. I remarked to his lordship that there were several paragraphs in his despatch to Capt Elliot, the publication of which (if not incompatible with his views of propriety) would do much good in Texas as they would go far to convince the people that it was not the design of England either to colonize the country or to abolish slavery within it; that it would do much to correct public sentiment there, which was very sensitive, on this subject. He replied that Capt Elliot was at liberty to use any part or the whole of the despatch in any way he thought proper.

I have the honor to be  
With Great respect  
Your obdt servt

G. W. TERRELL

TERRELL TO JONES.<sup>a</sup>

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SMITH TO TERRELL.<sup>b</sup>

[Informs Terrell that the Texan Senate has refused to confirm his nomination as chargé, not through want of confidence in his patriotism or talents, but because that body thinks him hostile to annexation.<sup>c</sup> Terrell is directed to take leave of the courts of Great Britain and France.]

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TERRELL TO JONES.<sup>d</sup>

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TERRELL TO SMITH.<sup>e</sup>

(Despatch No 3)

LEGATION OF TEXAS  
Paris Feby 13th 1845

To the Hon ASHBEL SMITH

*Secretary of State etc.*

SIR

I arrived in this City last evening—four days from London. This morning (Thursday) I addressed a note to the Minister for Foreign Affairs—announcing my arrival etc.—to which he has replied, appointing Saturday afternoon to receive me.

In the mean time I have concluded to embody in a despatch the substance of a conversation I had with the Earl of Aberdeen the evening previous to my leaving London, and which my limited time precluded me from doing before I left there.

In my instructions from your Deptmt, when I left Texas, I was directed to enter into negotiations with the Govts both of England and France, with a view to the modification of the provisions of existing treaties in such manner as to admit the products of Texan labor into the ports of these Countries upon terms more favorable than are allowed by the present treaties. In obedience to these instructions I sought an interview with the Earl of Aberdeen on the evening of the 8th Inst, and held quite a lengthened conference with him on the subject. At the first introduction of the business his Lordship seemed entirely averse even to the discussion of the matter, and remarked that there was already a treaty existing between the two Countries which Texas had manifested a strong disposition

<sup>a</sup> February 2, 1845. See Calendar.

<sup>b</sup> February 10, 1845.

<sup>c</sup> Cf. Terrell to Daingerfield, January 21, 1845; same to same, March 22, 1845.

<sup>d</sup> February 13, 1845. See Calendar.

<sup>e</sup> A. L. S.

to abrogate entirely—that it would be rather an awkward business to go to making new treaties with a nation which paid so little regard to those already existing etc.—that we would await the result of the negotiations for annexation—which he had been informed were still pending between the U. States and Texas—and a good deal more to the same purport. To this I replied that it was true Texas had negotiated a treaty of annexation with the U States; for this she found her justification in the circumstances which surrounded her, and which I had explained to him in a previous interview; but that I could assure his lordship his information in regard to "pending negotiations" was altogether erroneous. It was true that some action was being had by the Congress of the U. States on the subject, but that the Texan Govt was taking no action whatever on it. In confirmation of which I referred him to the validictory and the inaugural addresses of the late and present Presidents of Texas.<sup>a</sup> I could not, however, give his lordship any assurance if any of the measures now pending in the American Congress for the admission of Texas should pass, and a door be thus thrown open, that she would not enter into the Union—all I could say was that Texas was now acting for herself as an independent nation, as much so as if she had never contemplated admission into the U States; that the very circumstance of her sending new diplomatic agents abroad, and wishing to make new commercial regulations was an evidence of the correctness of this statement. It then occurred to me that something perhaps might be made out of England's well known opposition to annexation, and I determined to endeavor to avail myself of it. I remarked to his lordship that the project of a new commercial treaty with England, by which articles, the growth or production of Texas, could be admitted into the British dominions upon more favorable terms than were allowed by the existing treaty, was a favorite measure with very many of our citizens; that I could not, of course, insist upon his lordship's entering into negotiations with me at present upon the subject, but I thought it very probable that if I were authorized to say to my Govt, and let it be made known to the people of Texas, that the Govt of Her Britanic Majesty was willing to modify the existing treaty between the two countries in the manner I had suggested, that fact, coupled with the assurance, which England and France had proposed to give of the speedy recognition of our independence by Mexico, would exert a very salutary influence there—that it would go far to counteract the feverish excitement, on the subject of annexation, that now pervaded the whole community, and would possibly prepare them to reject the measure even if tendered to them by the U States: at any rate it would place in

<sup>a</sup> See *House Journal*, 9th Tex. Cong., 10-16, 27-30.

the hands of the few (and I admitted they were few) who like myself were decidedly opposed to the measure, the most formidable weapons with which to fight the battle which must be fought, whenever that subject is again brought before the people of Texas. His lordship then appeared quite disposed to entertain the proposition; he said however that the subject being one that belongs appropriately to the Board of Trade—the President of which (as you are doubtless aware) is a member of the Cabinet—I could therefore, at my leisure, bring the subject before him, in writing, and he would lay my communication before the Cabinet. In the mean time, I might inform my Govt that that of her Majesty felt every disposition, as a general rule, to make the most liberal arrangements for the encouragement of trade and commerce—it was probable that important modifications in the existing tariff would be made during the present session of Parliament—and that in regard to Texas they would extend to her the most liberal terms which they could do consistently with their treaty obligations to other nations—that they were disposed to afford her every aid and encouragement in their power. He then asked me what were the principal commodities Texas would be able to export provided the tariff duties upon her products were reduced. I told him that at present her chief article of export to England would be cotton; to the West Indies—provided those ports were opened to us on favorable terms—we could send large quantities of beef, pork and lumber of various kinds; and in a very few years we would export sugar, tobacco and grain in considerable quantities. His lordship then remarked that in regard to their West India possessions he presumed there would be little, if any, difficulty in coming to a satisfactory agreement. With regard to England there would be more, as by existing treaties they could not reduce the duties upon the cotton of Texas without making a corresponding reduction on that of the U. States: if however Texas was prepared to grant to England an equivalent—a *quid pro quo*—and let into her ports British manufactures, at a lower rate of duties, then perhaps it might be done. That in regard to sugar he supposed I was aware they had laid a tariff of discriminating duties upon that produced by slave labor and that made by free labor. I told him I was aware of that fact, but that according to the provisions of our treaty the products of Texas were to be admitted into British ports upon the same terms with those of the most favored nations, which would place us upon an equality with Venezuela, and entitle us to a heavy discrimination in our favor over the Brazils, Cuba etc. His lordship said he had not recollect ed this feature in the treaty, but readily admitted it would have that effect. He then repeated that I could lay the matter before him, when it suited my convenience, and he would act upon it in the manner already designated.

Connected with this subject a good deal of other conversation occurred, but which having a more direct reference to the President personally, I thought it not proper that it should be embraced in a public despatch, and have therefore detailed it at length in a private letter to his Excellency; and in it I endeavored as nearly as I could recollect (and I paid very close attention) to give the language of the Earl of Aberdeen; in this I have aimed only to embody the substance of what was said by his lordship.

In the course of further conversation the Earl said to me that her Majesty's Govt really felt a strong solicitude in the welfare of Texas; that they had exerted themselves faithfully and honestly to adjust the difficulties between her and Mexico; and this not, as had been charged on the other side of the Atlantic, from selfish and ambitious motives, or with a view to obtain an undue influence in the councils of that Country. It was true England expected to reap the advantage of extended trade and commerce with Texas if she maintained her separate national existence, but that the British Govt wished to see her remain independent for her own sake—she had manifested so much vigor and so much enterprise as gave certain indications of her becoming in time a great nation, and England wished to see her such. I remarked to his lordship that the conversation between himself and Lord Brougham in the House of Lords some time since on the subject of the abolition of slavery had afforded to those who wished to create a jealousy of British influence in Texas, the means of exciting that feeling in a very high degree—that I thought it a source of regret that that conversation had passed, for it had at the time produced a very strong impression in Texas. His lordship admitted that it was to be regretted; but continued he, a question was put directly to me on a subject of national policy, and I was bound to answer it according to the truth. It is well known to be the settled policy of the British Govt to wish the abolition of slavery throughout the civilized world, but she will never attempt any interference with the domestic institutions of any friendly power, farther than her advice and counsel will go. And you may assure your Govt that *we will not bring the subject of slavery into negotiation at all between the two countries.* We might have done so with propriety at one time had we wished to do it; when we recognised your independence we might have said to you, you must first free all your slaves and then we will recognise you as an independent nation; but having recognised you with this institution in force, we would have no right now to interfere with the subject, *nor do we intend to do so.*

This I believe was about the substance of the interview between the Earl and myself. From this and indeed from all that has transpired since I have been here, I am convinced that the sentiments of

the British Cabinet towards Texas are of a very liberal character, and I entertain no doubt that if annexation do not take place we can obtain a highly advantageous commercial treaty from them. You will please therefore forward me definite instructions as to the specific propositions I shall lay before the Cabinet. I shall await (as I was directed to do) instructions from your Deptmt before I take any further action on the subject.

I have the honor to be  
with very great respect  
Your obdt servt

G. W. TERRELL

SMITH TO ELLIOT.<sup>a</sup>

ELLIOT TO SMITH.<sup>b</sup>

GALVESTON February 27th. 1845.

The Undersigned Her Britannic Majesty's Chargé d'Affaires to the Republic of Texas has the honour to acquaint Mr. Ashbel Smith that he has recently been moved by Mr. Thomas Power a British Merchant resident in this City to recommend the following case to the attention of the Government of the Republic.

His Brother, Mr. Charles Power, for whom he is now acting, received some time in the year of 1841, a consignment of gun powder from Messrs. Mac Calmont & Co. of Liverpool, for sale here. This gunpowder, to the amount of \$1597.60 was appropriated by Commodore Moore for the service of the Navy (as per accompanying receipts;) But the Undersigned is relieved from any necessity of troubling Mr. Smith with further details from the fact that the case has been fully considered, and favourably disposed of by Congress in a joint resolution passed during its late session authorizing the relief of Mr. Charles Power to the aforesaid extent of \$1597.60.

The resolution, however, appears to have been vetoed by the Executive, not, it is believed, upon any doubt as to the perfect justice of the claim, but in accordance with some general principle to which His Excellency had considered it convenient to adhere respecting the claims of Citizens of this Country. The Undersigned is aware, however, that the rule in question has no reference to claims for restitution in which the interests of the subjects or Citizens of other Countries are involved; and he trusts that the particular nature of this case, the length of time that it has stood over, and its admission by

<sup>a</sup> February 22, 1845. See Calendar.

<sup>b</sup> A. L. S.

Congress will seem to the President to be sufficient reasons for sanctioning this payment without further delay.

The Undersigned believes that the disastrous losses which these English Gentlemen and their agent Mr. Charles Power have sustained in the trade of Texas will be an additional motive with the President for the favourable disposal of this claim, and indeed he collects from Mr. Thomas Power's communications, that the early receipt of these funds would be of the greatest assistance to his Brother in the settlement of his affairs with his agents in England. Mr. Power has also mentioned his conviction of the just and kind disposition of the Government upon this subject, and upon the whole, the Undersigned earnestly and confidently commits it to their favourable disposal.

He avails himself of this occasion to convey to Mr. Ashbell Smith the assurances of regard and distinguished consideration with which he has the honor to be

His Most Obedient  
and  
faithful servant

CHARLES ELLIOT.

P S Will you very obligingly return the enclosures when you are done with them.

TEXAS SLOOP OF WAR AUSTIN  
*Galveston Bay 6th Decr. 1841.*

Received on board this Ship and the Schrs. San Bernard and San Antonio One Keg of 50 lbs and *one hundred and forty* Kegs of 25 lbs each of Powder which was on deposit on board the Brig Archer and the property of Mr. Chas Power

E. W. MOORE  
*Comdg Texas Navy*

Republic of Texas.

GALVESTON 6 Decr. 1841

Bot from Chas. Power

1 Keg ctg . . . . .	50 lbs Gunpowder . . . . .	\$22.50
140 Kegs " . . . . .	25 " ea. " =3500 lbs \$11.25	1575.00

\$1597.50

App. E W MOORE

*Commdg Texas Navy*

TERRELL TO DANGERFIELD.<sup>a</sup>

PARIS, March 22, 1845

MY DEAR COL.

I have this day received your two letters from Vienna, forwarded to me by Mr Rate of London; I am glad at all time to hear from you and especially to learn as I have from various sources, that you have made good impressions both for yourself and Texas wherever you have gone; I doubt whether you have any friend who rejoices at this news more sincerely than I do;—I was greatly in hopes that I should have the pleasure of seeing you this spring, and that together we could have concerted some measures for the advantage of poor Texas but alas I fear her doom is sealed; Our shortsighted run mad politicians are so bent on the ruinous policy of annexation, that I much fear it will carry—apropos, the sword of Damocles. It has not only been suspended over my head but the hair has actually been slipped and it has taken off my diplomatic head and Reilys also. I see by the papers altho it has not yet been announced to me by the Goverment, that on the 24th Jany both Reily and myself were rejected by the Senate; our opposition to annexation is the cause assigned; for me to say that I do not feel this stroke and that keenly would be an affectation of indifference which I do not feel nor covet; As to the simple fact of having to leave these Courts as Minister that I can say most sincerely is a matter of no consequence with me—for in deed it was my intention and I so informed your friend Baynard near a month ago to have offered you the situation here as I supposed it would be agreeable to you and I really cared nothing about it; But to be rejected by the Senate a body in which I did not think I had a single enemy is really very mortifying to my pride; It is no more however than has happened to other and much greater men than myself to wit Albert Galatin Martin Van Buren and others; I shall submit to it with all the Philosophy I can command; and even if I am to suffer political martyrdom for my opposition to the doctrine of national annihilation, I shall go to the stake with as much resignation as old Polycarp did for his religion; I cannot yet tell when I shall leave or what I shall have to do before leaving untill I receive despatches from home; if I had money to defray my expences I would come and see you before going as I should like much to see that Country; I shall be hard run to get back home unless our Congress in their great liberality have made some provisions for me; can you not come over to London; I shall go there as soon as I receive despatches from Goverment; I will write you agen when I get the news; the packet that left on the 1st brought nothing of consequence I can tell you however who will compose Col Polks cabinet; Mr. Buchanan will be Secretary of State;

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<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 184-187.

Cave Johnson my old neighbor Post Master Genl, Robt J Walker and Butler will divide the treasury and Law Departments, and Govr. Marcy or Mr Bancroft will be Secretary of War, the Navy not determined upon; There will be changes throughout the almost entire diplomatic corps in Europe; Your friend Jennifer<sup>a</sup> will return home and indeed I do not know one except Col King<sup>b</sup> here who is an old personal friend of the President who will remain; Mr Calhoun comes to England, and he will perhaps be the mos[t] unacceptable man to the British Cabinet, they could send; You wish to know what is the present condition of Colonization in Texas. It is litterally dead, as dead as it was possible for Legislation to kill it; this is also the consequence of the run mad annexation excitement. By the labours of red hot annexationists a jealousy of foreign influence was excited and the people were actually made to believe that the foreigners wished to get a foothold in the country for the purpose of abolishing Slavery if not of overturning the institutions of the Country. You have no doubt seen the Act which made it the duty of the Attorney Genl to rept. the condition of all these contracts, and declared all forfeited the conditions of which were not strictly complied with; and which also repealed all laws giving to the President power to make or extend contracts. The late Congress did grant to Mr. Castro an extension of time in consequence of the exertions he had made and the money he had expended and an attempt was made to extend Fishers grant. I do not know how it resulted. Your old friend John W Smith and Gus Parker both died during the session. Write to me at this place if you get this immediately if not direct to London

Yr Sincere friend

G W TERRELL

My kindest regards to Count Leiningen I liked him much when in Texas—

JONES TO ABERDEEN.<sup>c</sup>

ELLIOOT TO JONES.<sup>d</sup>

ELLIOOT TO JONES.<sup>e</sup>

SMITH TO JONES.<sup>f</sup>

<sup>a</sup> Daniel Jenifer, minister to Austria.

<sup>b</sup> William R. King, minister to France.

<sup>c</sup> March 31, 1845. See Calendar.

<sup>d</sup> April 3, 1845. See Calendar.

<sup>e</sup> April 5, 1845. See Calendar.

<sup>f</sup> April 9, 1845. See Calendar.

SMITH TO JONES.<sup>a</sup>

ELLIOOT TO JONES.<sup>b</sup>

SMITH TO JONES.<sup>c</sup>

TERRELL TO SMITH.<sup>d</sup>

LONDON 3rd May 1845

SIR,

I arrived in this City a few days since from Paris, and found here your letter of 10th Febr, notifying me of the rejection by the Senate of my nomination as Chargé d' Affaires to this Court and that of France. This intelligence did not take me by surprise, as I had seen the fact stated in the American newspapers some weeks ago, and was therefore prepared for the official announcement of it. It would evince a want of candor and a disingenuousness which is, I hope, foreign from my character, were I to affect indifference to this event, or to deny that my feelings are much chagrined at so unexpected a termination of my diplomatic career. The very handsome manner in which the intelligence is conveyed on the part both of his Excellency the President and the Secretary of State however strips the mortification which I should otherwise feel, of much of its poignancy. The regret also, (which has been expressed) of both the Courts to which I have been accredited at my recal, is a source of high consolation to me. The King of the French expressed to me personally the hope that he should again see me at his Court.

I have no complaints to make against the Senate. They acted, I doubt not, from a conscientious sense of duty to the best interests of our common Country, and although I must think from a very mistaken view of our true policy, still entertaining the opinions they did they had a right to act as they did, and I have no right to complain of them.

In accordance with your instructions, immediately on the receipt of your letter, I waited on the Earl of Aberdeen and announced to him the fact. His lordship expressed a desire that I would delay my departure until the arrival of the next Steamer from Vera Cruz, (which he is now looking for) by which he expects important news

<sup>a</sup> April 14, 1845. See Calendar.

<sup>b</sup> April 21, 1845. See Calendar.

<sup>c</sup> May 1, 1845. See Calendar.

<sup>d</sup> A. L. S. See note b, p. 1190.

from Mexico in relation to our affairs. It is his opinion, based upon despatches received from the British Minister there, since the installation of the New Govt, that Mexico is now willing to recognise the independence of Texas, and that he will in all probability receive intelligence to that effect by the next arrival from there.

Under these circumstances I have concluded it best to remain until this intelligence is received, which I presume will not be longer than one week. I shall then take my departure, and return home as soon as I can get there—from Liverpool to New Orleans I expect to go—as I shall not have means to go by way of New York.

After the writing of my last despatch from Paris<sup>a</sup> I obtained much insight into the conduct of the Minister there—his motives for prevarication with me etc.—all of which I will explain to you at a proper time. I had no further difficulty with him, and we separated upon excellent terms.

I have learned enough here to satisfy me that, should Texas determine to maintain her separate national existence, we can obtain from both the Govts, commercial treaties securing to our citizens advantages which few if any other nations possess.

With very great respect  
Your obdt Servt

G. W. TERRELL

Hon. ASHBEL SMITH  
*Secretary of State*  
*etc. etc. etc. Texas.*

TERRELL TO CLARENDON.<sup>b</sup>

LEGATION OF TEXAS  
3 St. James St. May 5th 1845

MY LORD,

Returning from Paris to London a few days since, my attention was directed to the following paragraph contained in a speech of your Lordship, made in the House of Lords on the evening of the 4th. ult. “which may at no distant time endanger the peaceful relations of the U States with our country, by affording to the *restless and encroaching people of Texas* an opportunity of gratifying their tastes for establishing a boundary quarrel, and thus creating a cause of war with Mexico which must be viewed with interest in this country.”

This statement does so much injustice to the people of Texas that, as the representative of that Republic at the Court of Her Britanic

<sup>a</sup> No. 11; March 18, 1845.

<sup>b</sup> See note b, p. 1190.

Majesty, I feel myself called upon to vindicate them from an imputation so unjust and injurious; and to place your Lordship in possession of facts which will enable you to appreciate more correctly the true character of the people of that country.

Texas has been so much the subject of misrepresentation, and is consequently so much misunderstood abroad, that I am not at all surprised your Lordship should have fallen into the common error in regard to the character of her citizens. I am aware that the general impression abroad is that Texas is peopled with a wild, turbulent set of adventurers, impatient of all restraint, and reckless of all obligation either social, legal or moral, and who are never content unless they have society thrown into convulsions—and yet *I know* the fact that a more mistaken estimate was never formed of the character of any people. This assertion the whole history of the present population of Texas will sustain. The Anglo Americans were invited into that country by the Mexican Government and settled there under a Constitution and laws guaranteeing to them rights and privileges that constituted an inducement to leave the land of their nativity and seek a home amongst strangers, with a view to better their condition and that of their children.

The object of the Mexican Government, in holding out the inducements and granting the immunities which they did, to the American population, was to place this hardy and enterprising people as a barrier between their own effeminate population and the various warlike tribes of Indians who infested their frontier and made frequent irruptions into their territories.

In this they succeeded. And as long as this population (who thus became citizens of the country, as *bona fide* as though they had been born on the soil), were permitted to enjoy the rights and immunities guaranteed to them by the Constitution, and laws under which they had settled in the country, they remained quiet and obedient to the laws. But when that Constitution under which they had been invited into the country, and which they had taken an oath to support, was subverted by violence, and a military despotism erected upon the ruins of the Federal Union, the people of Texas met in solemn convention and declared their determination not to submit to this lawless usurpation; and not wishing to sever the federal compact, they invited the other Mexican States to unite with Texas in resisting this encroachment upon their rights and "in defence of the principles of the Constitution of 1824." Nor did they make any other declaration or take up arms until the military despot of Mexico had invaded the country at the head of a formidable army, breathing vengeance and threatening extermination to the Anglo American race within the limits of Texas; a threat which he fulfilled with most fearful pre-

cision on the only two occasions on which any of these people were so unfortunate as to fall into his hands.

Out of these events grew the revolution of 1836, the result of which is known to the world. Certainly none of these transactions evince that spirit of restlessness and impatience of control which has so often been attributed to the citizens of Texas. The fortune of war also placed the author of all their troubles and calamities—Santa Anna himself—in the possession of the Texans. What was their conduct towards this cruel tyrant? Instead of sacrificing him to a spirit of revenge, as they might justly have done in retaliation for his inhuman butcheries and cold blooded massacres of their countrymen who had fallen into his hands, they not only spared his life but generously restored him to liberty and to his country. They also permitted (by a truce) the shattered remains of his defeated and routed army, to retire unmolested from the country. They likewise set at liberty all their prisoners taken in the war, of whom there was a number greater than the whole force of the Texas army. I do not think your Lordship can discover in all this conduct of the people of Texas, any evidence of that restless and turbulent disposition which you have been pleased to attribute to them. Since that period nine years have elapsed, during which time the people of Texas have remained at home, or at least have made no hostile demonstrations against the Mexicans, except when the latter have made incursions into our territory: And although these incursions have been frequent, both by marauding parties and by authorised divisions of the Mexican army; and although they have invariably been driven from our territories immediately upon the rallying of our citizens, yet have the Texans never, save in one instance, pursued them beyond the limits of their own country.

During these frequent irruptions into our territories the frontier settlements have been subjected to every specie of annoyance, depredation, pillage, and robbery. They have been wantonly despoiled of their property and many of our best citizens, who were quietly pursuing their peaceful avocations, have been forcibly wrested from their homes and from the bosom of their families, thrust into ignominious dungeons, and there kept for years, or bound in chains and manacled as felons, have been forced to labor as slaves and convicts upon the public streets in the cities of Mexico, and many of them cruelly butchered in cold blood. Yet under all these circumstances of aggravated insult, wrong and injury, did the people of Texas forbear to retaliate, except in the manner I have mentioned, and uniformly when the Mexicans have fallen into their hands (which has frequently been the case) they have been treated with the greatest

humanity and restored to their liberty. I do not pretend that had Texas possessed the requisite power and resources to have invaded Mexico with a force sufficient to have penetrated into the heart of the country, she would not have done so; on the contrary I have reason to know that both of the Government and the people would have felt themselves under the strongest moral obligation to have exerted all their energies for the purpose of freeing their countrymen from the galling bondage under which they laboured, could they have done so with any prospect of success. Aware however that such an attempt would have been utterly futile, and not considering themselves at liberty to imitate the example set them by the Mexicans by retaliating those predatory incursions made into their territory, believing them as they did to be not only contrary to the established usages of modern warfare amongst nations professing to be civilized, but violative of the principles of humanity itself, they have confined themselves generally to the simple act of defending their own territory when it has been invaded:

Taking then the whole conduct of the people of Texas into consideration, from the date of the declaration of their independence to the present time, so far from their manifesting that "restless and encroaching" disposition which your Lordship has, from the misrepresentations of their enemies and for want of a knowledge of their true character, been induced to believe them to possess, you will find that under accumulated wrong, injury and outrage, their conduct has evinced a spirit of forbearance and magnanimity never surpassed and seldom equaled in the conduct of even the oldest and best regulated states of the world.

There are many more facts connected with the subject of this letter which might have been appropriately introduced, but their enumeration would have occupied too much time and space. I have therefore confined myself to a few prominent points in the history of this people.

Enough however I trust has been said to induce your Lordship to avail yourself of some suitable occasion to do an act of simple justice to a young and enterprising people just struggling into political existence

I have the honor to be  
with great respect,  
Your Lordship's obdt Servt

G. W. TERRELL

To the Right Honorable  
The EARL OF CLARENDON  
*K. G. C. B. etc. etc. etc.*

TERRELL TO SMITH.<sup>a</sup>

LONDON May 9th 1845

(Despatch No. 7)\*

The Honble ASHBEL SMITH  
*Secretary of State.*

SIR,

I have for some days been so unwell (from the effects of violent cold) as to disqualify me for any business—or even to get out at all. I had received a communication from the Earl of Aberdeen informing me that he had received important news from Mexico which he was ready to communicate to me whenever I could call on him. I waited on his lordship yesterday afternoon; he informed me that the New Govt. of Mexico had announced to the English and French Ministers, resident there, their readiness to acknowledge the independence of Texas, provided Texas would declare against annexation to the U States. Mr. Bankhead stated however, in the same despatch, that an order had gone forth from the War Deptmt for the arming and equipping of ten thousand troops to be in readiness to invade Texas—that when he saw this order he went immediately to the Minister of Foreign Relations to know the meaning of it—that the minister replied it was done to satisfy the clamors of the Congress and the people of Mexico, but that the troops would never be marched to Texas. All these facts however, the Earl of Aberdeen told me had been sent by the French and British envoys from Mexico to their respective Ministers in Texas, to be communicated to the Govt, so that I presume it is useless for me to go more fully into the details of the transactions.

During my first interview with Lord Aberdeen on my return from Paris, he remarked to me that he thought of proposing to the French Cabinet that the two Govts should Jointly propose to Texas and Mexico that they would undertake the settlement of the differences between them, on condition that Texas should pledge herself to reject the proposition of the U. States for Annexation; and asked me how I thought such a joint proposal would be received by Texas? I replied that I was convinced Texas would reject an overture clogged with any such conditions, and reminded his lordship of the conduct of the North Americans in regard to the famous Stamp Act—that

\* A. L. S.

\* Of the numbered series, 1, 2, and 3 appear in chronological order in Correspondence with Great Britain. No. 4 is included in Correspondence with France. The dispatch of Terrell to Smith, dated May 3, 1845, is in all probability No. 5 of the series. No. 6 has not been found, though it is probable that it was a letter from Terrell to Smith, written between May 3 and May 9, 1845, and inclosing the Terrell-Clarendon correspondence. The numbered series takes no account of the letters written by Terrell to Jones, which, though diplomatic in substance, were probably personal letters, and of which no copies have been found in the archives.

when the duty was in effect taken off, they went to war for the principle.

I told his lordship that we were the same people, governed not only by the same great principles, but by the same impulses. I gave it as my opinion, however, that if Mexico could be prevailed upon to acknowledge the independence of Texas at once and without conditions of any kind whatever, with this alternative before them set up against annexation on the terms proposed in the resolutions of the American Congress, the people of Texas would declare in favor of separate National independence.

The Earl then suggested that Mexico appeared to have a great tenacity on the subject of the boundary between the two countries, and that he doubted very much whether she could be prevailed upon to yield to Texas all the territory the latter at present claimed. To this I replied that perhaps the best method to avoid that difficulty would be for them to prevail upon Mexico to acknowledge our independence, unconditionally, and leave the question of boundary to future adjustment by friendly negotiation—that in such a negotiation Texas might possibly yield something to the spirit of conciliation, but that she certainly would yield nothing as a condition precedent. The Earl informed me yesterday that he had made a proposition to the French Cabinet in accordance with these suggestions, the result of which has been the conclusion to offer to the belligerent Nations the joint mediation of these two Govts upon the basis above mentioned: and the Earl submitted to my perusal the despatches he has drawn up for Capt Elliot on the subject—all of which you will of course learn through him.

The Mexican Govt having declared their readiness to acknowledge our independence (I fear however a little the influence of the Congress and populace of Mexico) the question then resolves itself into this shape—will the people of Texas have independence, peace and a lucrative trade with Mexico, commercial relations, upon the most favored terms, with England France and the West Indies, low tariff and low taxes, or will they deliver themselves, bound hand and foot, stript of all they have and are, and manacled in chains of bondage which they never can break (for the U States resolutions are nothing less) into the hands of the U States, there to be dealt with as these justice loving states (who have already dealt with so much liberality towards Texas) shall hereafter determine? Surely the people of Texas will not remain so blinded by their prejudices as not to open their eyes to their true interests.

We are all alike in the dark here as to the course Texas will adopt on the resolutions of the U States Congress. The King of the French manifested much anxiety on the subject, and asked me my opinion as to their probable action on them. I gave his Majesty the opinion

(at the same time stating that I had no information) that the President of Texas would say to the U States, these terms are such as Texas cannot accept. That the President of the U States would then throw himself upon the alternative resolution and propose to Texas to appoint commissioners who should agree upon the terms on which Texas should be admitted into the Union. But to this our President would reply that the Constitution of Texas did not clothe the executive with any power to appoint these commissioners on the part of Texas, and consequently the matter would have to lie over until the next session of our Congress. To this the King replied, that if things took this course it would give ample time, and he thought it more than probable the Cabinets of France and Great Britian would be able before that time to prevail upon Mexico to acknowledge the independence of Texas, and that they would not be wanting in exertion to bring about that measure, for that it was greatly desired by both Govts.

My only dread now is that the agitators in Texas who are so clamorous for annexation will so stir up the people on the subject that it will force the President to convene Congress in extraordinary session; and should this be done, with the present feeling of that body, and before the alternative above spoken of can be presented for their consideration, they will declare in favor of annexation even upon the oppressive terms proposed by the U. States. However I have great confidence in the firmness of our President, and know that he will resist the clamor if possible.

I shall leave for home as soon as I recover sufficient strength to bear the fatigues of the journey to Liverpool.

Please remember me to the President and Cabinet.

With very great respect  
Your Obdt Servt

G. W. TERRELL

Hon ASHBEL SMITH  
*Secry of State*  
*Texas*

CLARENCE TO TERRELL.<sup>a</sup>

THE GROVE May 10th 1845

SIR,

I have the honor to acknowledge the receipt of your letter dated the 5th inst. and to assure you that I fully appreciate the motives by which, as the Representative of Texas in this Country, you have been induced to remark upon the speech which I made in the House of Lords on the 4th Ult. I beg however to inform you that the extract from that speech which you sent me is an incorrect report. What I

<sup>a</sup> See note b, p. 1190.

did say (in speaking of the annexation of Texas announced in the address of the President of the U States) was that "it need not be expected that the restless and encroaching people by whom it appeared Texas was *henceforth* to be inhabited would be long without indulging their national taste for a boundary quarrel or establishing a cause of war with Mexico" etc. etc.

You will perceive therefore that I spoke of Texas in a prospective sense—of Texas no longer independent, but as incorporated with the United States and peopled by American Citizens. To Texas as at present constituted I made no allusion whatever, and so little have I been disposed to regard the character and conduct of your Countrymen in the light you imagine, that I rejoiced in the recognition of their independence by the British Government, although I must confess I did not anticipate that they themselves would view with indifference or voluntarily surrender the rights which they had so long and so painfully struggled to acquire. With regard to Texas however in its future position as a frontier State of the Union, I cannot admit that the expressions used by me were either unjust or misapplied when I consider what has been the course pursued by the United States in respect to the Indian Tribes, to the Canadian Frontier, to the Oregon Territory, and that according to a recent declaration made by the highest authority, it has, for the last 20 years been the settled policy of the American Government to gain possession of Texas.

I have the honor to be

Sir, Your very obt<sup>r</sup> Servt  
 Your very obt<sup>r</sup> Servt  
 CLARENCE  
 To His Excellency  
 Gen<sup>r</sup> W. TERRELL  
 No 3 St Johns St  
 London  
 ALLEN TO SMITH  
 DEPARTMENT OF STATE  
 Washington [Texas] 10th May 1845  
 Hon ASHIEL SMITH  
 Charge d'Affaires of Texas  
 Etc. Etc. Etc.

Sir,

The definite proposition for the annexation of Texas to the Federal Union, having been presented to this Government upon the eve of

\* See Records of Department of State (Texas), Book 44, pp. 261-263.

your late departure from the country to resume your duties as Minister Chargé d'Affaires to the European Courts, and the promptness with which you have proceeded upon your mission, must have conspired to embarrass your efforts in obtaining the accurate and positive information concerning the domestic relations of Texas and the actual posture of our affairs, so necessary to the efficient and satisfactory discharge of your official functions. This embarrassment has doubtless not only been increased in degree, but rendered peculiarly annoying by the many contradictory reports and idle speculations on the affairs of Texas, and the designs gratuitously attributed to the officers attached to her Executive Government, emitted by the daily press to the excited communities of the Republic and the Union.

It is therefore with sincere pleasure that I, in compliance with the directions of His Excellency, the President, avail myself of the earliest occasion which the current of recently transpiring events would permit, to convey to you information touching the posture of our affairs, and the results of the course of policy determined upon by the Executive just before your departure, and since successfully pursued in relation to the important matters connected with the proposition for annexation, so deeply affecting the interests and sensibilities of the nation.

The benefits of the brief delay for deliberation, which the President deemed it prudent to adopt, before acting upon the overture submitted by Mr. Donelson, on the 30th. of March last, in behalf of the United States, have already become strikingly manifest, in the unanimity and cordiality with which his subsequent measures, adopted in accordance with plain and satisfactory indications of the national desire—measures presenting an unobjectionable mode for the free and effectual expression of the decision of the People, on questions whereof they are the sole and rightful arbitors, have been sustained and approved throughout the Republic. As was at first expected, some dissatisfaction was manifested by the masses, owing to a misapprehension of the motives for deliberation entertained by the Executive, and meetings were held in several counties, the proceedings of which were characterized by excited feeling, and evinced a settled and changeless determination of the Citizens in favor of an adoption of the proposed basis for annexation, and an immediate assembling of Congress. Since that time, popular meetings have been held in all the counties, and the sense of the nation as gathered from these sources is conclusively expressed in favor of effecting the incorporation of Texas into the American Union on the terms of the pending overture.

After the proclamation for assembling the Congress in special session on the 16th of June next,<sup>a</sup> had been promulgated, the idea of

\* April 15, 1845. See *The Morning Star*, April 19, 1845.

advising the call of a Convention of Delegates, which you recollect originally suggested itself to the President, on the presentation of the proposition for annexation by Mr. Donelson, was again entertained by him, and being convinced after mature reflection, that such a measure, although it might, when at first suggested, have been premature, was no longer open to objection, he issued a proclamation on the 5th. instant, recommending the meeting of a Convention at Austin on the 4th of July next to act upon the important matters pending before the nation.<sup>a</sup>

Both the proclamations referred to, you have doubtless received in the National Register, which is regularly transmitted.

Sufficient time has elapsed since the promulgation of the latter to test the success and wisdom of the measure by the strongest manifestations of approval by the people. Many of our most eminent citizens are candidates for seats in the Convention, and the assembly will doubtless be composed of men capable of wielding the immense interests committed to their deliberations.

Thus, the Executive by adopting a course of conduct during this important crisis sufficiently prompt to meet the exigencies of the occasion, and sufficiently deliberate to coincide with the concurring impulses and actions of the people, has been so fortunate as to secure the support of all parties to his measures—presenting a singular anomaly of reluctant union between parties for the first time seen to blend and harmonize. And I cannot but entertain the opinion that if he had at first adopted either of the measures since so universally approved, his course would have met with a violent and determined resistance from party opposition.

The preceeding view of the affairs of Texas and of the events which have recently transpired will suggest to you the necessity and importance of explaining the position of the country and the reasons of this Government for not at present desiring to form any new Treaty relations, with the Governments where you are accredited.

Despatches have been received from Gen. Terrell, our late Chargé d'Affaires at Paris, under dates of the 13th. of February and 18th. of March last, the contents of which have occasioned to the President no small degree of surprise and anxiety. I refer particularly to the apparently discourteous and insulting neglect with which Mr. Terrell was treated by the Government, and especially by M Guizot on, and subsequently to his arrival at the Court of Paris as the accredited Minister of this Republic. The President cannot for a moment entertain the impression that the Government of France, ever distinguished for courtesy, and hitherto preeminent, especially at the Court of her renowned sovereign, in the observance of those principles of comity which belong inseparably to the diplomatic intercourse of

<sup>a</sup> See *The Morning Star*, May 10, 1845.,

enlightened nations, has wantonly and without a supposed just cause, cast upon this Government the indignities which she has received in the person of her representative. He desires you, therefore, to ask for an explanation of the reasons which occasioned the neglect experienced by Gen Terrell at that Court, and doubts not that upon candid examination, those reasons will be found to have originated in misapprehension or error.

I have the honor to remain, with sentiments of high respect,  
Your Obedient Servant

EBEN ALLEN  
*Secretary of State ad interim.*

SMITH TO ALLEN.<sup>a</sup>

Despatch  
No 1.

LEGATION OF TEXAS, LONDON  
May 17, 1845.

The Hon. E. ALLEN  
*Secretary of State*

SIR,

I reached this place on the 14th Instant and called the same day at the Foreign Office where I had an interview with the Earl of Aberdeen, Principal Secretary of State for Foreign Affairs. I called again today on Mr Addington Under Secretary of State. The following is a summary of my interviews.

I adverted to the State of affairs in Texas and especially in reference to our relations with the United States, with all which Lord Aberdeen was of course previously acquainted in a general manner. Referring to the Resolutions of the American Congress for annexing Texas, I stated that if these alone were presented to the people they would probably be acceded to;—that, we had been led to believe in Texas that the Mexican Gov. having entertained the question of recognizing our independence, they might be now induced to do so forthwith, coupled with no other condition than that Texas should remain independent;—that it was desired by my Government to present for the consideration and action of the citizens of Texas at one and the same time the option of independence recognized by Mexico, or of annexation. Under these circumstances and in view of the known wishes of the British and French Governments that Texas should remain independent, it was suggested that these two Governments should take such measures as they should deem proper to induce Mexico to make the recognition in question without delay. Lord Aberdeen's remarks may be summed up as follows. His Lordship read a despatch sent out by last Steamer, (3d Instant) I

believe) to Mr Bankhead wherein the recognition of Texas by Mexico is strongly pressed upon the Gov. of the latter country by all those arguments and considerations which having been frequently stated need not be repeated. In the dispatch it was intimated, and, as I understood his Lordship, confirmed to me in conversation, that no more stringent measures would be used by these Governments towards Mexico than the earnest pressing of the policy of immediate recognition as hitherto advised. General Terrell had been informed by this Gov. previously to my reaching here, that only *moral* means would be used. Lord Aberdeen intimated that he would by next Steamer again urge this matter if there would be any use in it.

In view of the fact that the persons at the head of affairs in Mexico, whatever their individual opinions may be, are obliged to have regard to the public opinion of their own citizens, which is known to be adverse to recognizing Texian Independence, this Gov. think it doubtful whether a prompt recognition by that country may be anticipated. I believe this Gov. incline to the negative opinion; nor will they under present circumstances, resort to any new or stringent measures to operate on Mexico.

As to a settlement by a treaty between all the parties interested, the Earl of Aberdeen had already mentioned to my predecessor tho previously to my arrival, that the British Gov. were willing on their part to enter into a Diplomatic Act embracing the stipulations and guarantees as set forth in the accounts of my interviews with Ld Aberdeen last year, particularly that of the 24th June (I believe), but that the French Government were unwilling to enter into such obligations or to employ any other than *moral* means towards Mexico; and finally that the British Gov. deemed it inexpedient to pass a diplomatic act, without the cooperation of France. General Terrell informs me that he has already communicated to your Department the details of this conversation of his with Ld Aberdeen, and also his Lordship's remarks on the inexpediency of attempting to negotiate a commercial treaty at this time, whereby our products should be received into the ports of Gt Britain and France on more favorable terms than at present.

On my mentioning to his Lordship our desire to negotiate a treaty with Spain, he replied in effect that he should be unwilling, if a Spanish Minister, to treat in the present State of Texian affairs; alluding, as I understood, to the measure of annexation being now under consideration in Texas. I could not after this remark, request his Lordship to advise the Spanish Gov. to enter into negotiation with us.

As there is a clear and full understanding between England and France in relation to all the affairs of Texas, it seems obvious that no advantage could be anticipated from my repairing at this time to the latter country.

In my interviews with this Gov. I have endeavored to place clearly before them the fact, that nothing less than the recogn. of our independence by Mexico without *delay* will satisfy our people, and that such recognition if accepted by us, will be faithfully adhered to and observed.

It hence appears that Mexico is in fact left to the influence of those counsels and considerations already presented to it. The good offices of friendly Powers do not seem likely to accomplish any thing more. If the Mexican Gov. see fit to acknowledge our Independence, it will be for our citizens to determine whether they will remain so. If they decide to pursue the policy of annexation and annexation be accomplished, the drama is closed—at least the present act of it.

If the next arrivals from Mexico bring no change in its attitude towards Texas; I shall then pursuant to the tenor of my instructions, respectfully intimate that Texas will no longer look for a settlement of its affairs from the mediation of the friendly Powers, but relying solely on the resources it possess within itself, pursue its welfare and honor by such means and in such manner as it shall deem best;—and that if we choose to remain a separate independency, we will by force of arms compel the people of Mexico to acknowledge the same at their cost and peril.

I have the honor to be  
very respectfully  
Yours obed: serv.

ASHBEL SMITH

3 St. James's Street.

SMITH TO SECRETARY OF STATE [ALLEN].

No. 2.

LEGATION OF TEXAS, LONDON

June 3, 1845

To the Hon

The SECRETARY OF STATE,  
SIR,

I received this morning by the Packet Ship, Henry Clay from New York a letter from Dr Bowers<sup>a</sup> stating that he has an order of recall addressed to me. I shall therefore leave this country by the first opportunity and I hope to reach Texas in a short time after you shall receive the present despatch. Indeed I have been only waiting to hear from your Department as I conceive my longer stay in this country would be unnecessary.

<sup>a</sup> Possibly meant for Brower. John H. Brower had been appointed Texan consul in New York, 1841, and, so far as the Consular Correspondence in the archives shows, continued in that office till Texas was annexed to the United States.

The news by the Steamer Hibernia came to hand yesterday, bringing American dates up to the 16th Ultimo. After taking note of the American news I called on Mr Addington at the Foreign office.

I think I may safely assert that this Government regard annexation as certain, that they will not use any efforts to prevent its consummation, nor take any exception to it afterwards. A principal objection to annexation on their part is alleged to be the increased danger to Mexico which will arise from this approximation of the Union to the inhabited districts of that country; and they think Mexico showed a great want of wisdom in not listening to their friendly counsels and in not recognizing our independence long since.

General Terrell leaves today or tomorrow on his return to Texas. He will give you detailed information concerning our affairs here. I should have accompanied him had my private letters (from Dr Bowers) reached me three days earlier.

I have the honor to be

Very respectfully

Your obedient Servant

ASHBEL SMITH.

ELLIOOT TO JONES.<sup>a</sup>

ELLIOOT TO JONES.<sup>b</sup>

ELLIOOT TO ALLEN.<sup>b</sup>

ALLEN TO SMITH.<sup>c</sup>

ALLEN TO SMITH.

DEPARTMENT OF STATE,  
Washington, 2. July 1845.

SIR,

Since conveying the instructions for your return contained in my note under date of the 26th. Ultimo, this Department is in receipt of your Despatch of the 17th May last; the contents of which are highly satisfactory and evince the importance and useful results of your mission.

<sup>a</sup> June 12, 1845. See Calendar.

<sup>b</sup> June 13, 1845. See Calendar.

<sup>c</sup> June 26, 1845. See Calendar.

From its tone, the President is led to infer that the Courts of Great Britain and France, though opposed in principle to the annexation of Texas to the Federal Union, are not inclined to interfere beyond the use of such moral considerations as they may deem advisable to present to the good sense and sound discretion of the Governments and the communities, to prevent the consummation of the measure.

The course thus indicated and which those renowned sovereigns have determined to pursue, is justly entitled to great consideration, and their opinions must exert an appropriate influence, upon the action of the high interested parties, and upon the measures yet to be adopted for carrying out the relations pending between them.

The people of Texas, however, have decided in favor of annexation in every form devised to give expression to their choice. The Executive as those enlightened Courts fully understand is bound, by paramount obligations arising from the Constitution of his Office and of the government he was elected to administer, to give effect to the will of the nation thus expressed.

But the friendly dispositions ever manifested by the Governments of England and France towards this Republic; the courtesies and benefits attending their amicable intercourse with her, continued for a series of years;—the high sense of justice evinced by them in every step of the diplomatic relations hitherto subsisting between this government and theirs; and especially the elevated and equitable ground now assumed by them on the subject of annexation, justly entitle them to be remembered with feelings of respectful and grateful consideration by the Texian authorities and people.

With such expressions as will suggest themselves to you as most proper in taking leave of those Courts, you will communicate those sentiments as well as the high regard, entertained by His Excellency the President for those sovereigns, with his sincere wishes that the life and reign of each may be long prosperous and happy.

On your departure, please collect and bring with you to this country the Archives of the Legation both at London and Paris. You are requested also to write to Mr. Daingerfield and communicate to him the instructions of the Executive for his return as soon as convenient and practicable, requesting him also to bring the Archives of Legation in his charge.

I shall anticipate the pleasure of seeing you at an early day in this country, and in the mean time, I beg you to accept renewed assurances of my high regard.

EBENR ALLEN.

Hon. ASHBEL SMITH

*Charge d'affaires of Texas  
etc. etc. etc.*

ALLEN TO ELLIOT.

DEPARTMENT OF STATE,  
WASHINGTON ON THE BRAZOS,

*July 10th, 1845.*

The undersigned, Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of the note addressed to him, under date of the 18th Ultimo, by Captain Elliot, Her Britannic Majesty's Chargé d' Affaires, near this government, announcing the necessity of his departure to seek in a change of climate for restoration of health;—also, conveying the assurances of his kind regard to his Excellency, the President, and his cordial wishes for the continued honor and prosperity of the Republic and people of Texas.

The President has read the note of Captain Elliot with such sensations as its contents are so well calculated to awaken; and has charged the undersigned with the duty of communicating his sentiments in reply.

Among the causes likely to suspend those relations of intercourse both official and personal, which have so long and so happily subsisted between Captain Elliot and this Government, the information contained in his note that ill health is the immediate cause of his contemplated absence, is deeply regretted by the President.

The good offices and friendly dispositions of Her Majesty's Government towards this Republic, early manifested by a recognition of the independence and nationality of Texas; the institution of treaty relations; the benefits of long and uninterrupted commercial intercourse between the citizens of the two countries; and the magnanimity which has always distinguished the deportment of the English Government towards this, under all the various circumstances of their mutual connexions and relations;—a deportment ever friendly towards the Texian Nation and consistent with its honor and its interest; added to the ever kind and pleasing demeanor of Her Majesty's accomplished Representative throughout his diplomatic intercourse with the authorities of this Republic, are considerations which claim the expression of honorable and sincere acknowledgments from the Government and people of Texas.

It has become the duty of the undersigned to acquaint Capt. Elliot with the acceptance, on the part of this Republic, of the overture from the United States for Annexation. By the Congress this acceptance was signified by a joint resolution, adopted by both Houses in Special Session, and approved by the Executive on the 23d Ultimo.

The Convention assembled at Austin on the 4th Instant, manifested its consent to the terms of the same overture by an ordinance passed on that day. The preliminaries for a treaty with Mexico, on the basis of the continued separate nationality and independence of

Texas have been rejected by the Senate. These manifestations hardly admit of a doubt that the incorporation of Texas with the Federal Union is destined to an early consummation, so far as that alternative depends upon the action of the People of this Republic;—whose decision in the matter, the Executive, from the nature of his official relations to the community, which has charged him with the administration of its affairs, is bound to carry out.

During the continuance of political and diplomatic intercourse between this Republic and other nations, it has been the constant aim, and desire of his Excellency to observe a course of equal justice towards all and to cultivate with each, relations of amity, founded upon a just estimate of national rights and honor; and a belief that his efforts in this respect are appreciated by Her Majesty's Government, is to him a source of high gratification.

Under a sense of the uniformly amicable and elevated course of the English Government already referred to, and of the courtesy and kindness of feeling which have ever characterized the official and personal intercourse of Captain Elliot with the authorities of Texas, the announcement of his departure, unwelcome as it really is, would be the more regretted by the President, but for the occasion thereby furnished, to convey to Her Britannic Majesty, an expression of his earnest wishes, that she may be blest with length of days and with the honor of a happy and peaceful reign; and to Captain Elliot personally, the assurance of his high regard and unqualified esteem; and the undersigned, animated by like sentiments, requests Captain Elliot to accept the distinguished consideration and regard, with which he has the honor to remain.

His Most Faithful

and

Obedient Servant

(Signed)

EBENR. ALLEN.

Captain CHARLES ELLIOT

*Chargé d'Affaires of Her B. Majesty*  
etc. etc. etc.

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TERRELL TO JONES.<sup>a</sup>

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SMITH TO ALLEN.<sup>b</sup>

[Announcing Smith's arrival at Galveston on September 24.]

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ABERDEEN TO ELLIOT.<sup>c</sup>

<sup>a</sup> July 25, 1845. See Calendar.

<sup>b</sup> A. L. S., September 25, 1845. Private.

<sup>c</sup> December 3, 1845. See Elliot to Allen, January 4, 1846.

ELLIOT TO JONES.<sup>a</sup>

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ELLIOT TO ALLEN.<sup>b</sup>

NEW ORLEANS January 4th. 1846.

The Undersigned Her Britannic Majesty's Chargé d' Affaires to the Republic of Texas has the honour to acquaint Mr. Allen that He has this morning arrived here on his way to Texas; but being prevented by indisposition from going on in the boat on the point of leaving New Orleans for that destination, He deems it proper to lose no time in transmitting the accompanying copy of a despatch from the Earl of Aberdeen to his address, for the information of the Government of Texas.

He hopes to be able to proceed by the next boat which will leave New Orleans in the course of a few days, when he will immediately have the honour of paying his respects to the President.

The Undersigned takes this occasion to renew to Mr. Allen the expressions of high consideration with which He has the honour remain, His Most faithful

and obedient Servant

CHARLES ELLIOT

To The Honourable

EBENEZER ALLEN

*Secretary of State  
to the Republic of Texas*

(Copy <sup>c</sup>)

CHARLES ELLIOT

FOREIGN OFFICE

Decr. 3, 1845.

SIR.

As the period is now approaching at which it seems probable that the annexation of Texas to the United States will be definitively arranged, Her Majesty's Government deem it advisable that the attention of the Texian Government should be called to the treaties existing between Great Britain and Texas; and that they should be reminded that the voluntary surrender of their independence by the Government and people of Texas will not annul those Treaties; on the contrary that their stipulations will remain in precisely the same position as if Texas had continued an independent Power: and that

<sup>a</sup> January 4, 1846. See Calendar.

<sup>b</sup> A. L. S.

<sup>c</sup> On the back is written "send to Capt. Elliot care G. H. Cocke, Galveston with a copy of Presidents veto message on the Bill extending the boundaries of Texas to the Pacific, Dancy's Bill."

so long therefore as those treaties are in force, Great Britain will have a right to require that the engagements contracted by them should be fulfilled on the part of Texas, as they would be fulfilled on the part of Great Britain. I have to desire that on your arrival at the Seat of Government in Texas, you will make a communication to the above effect to the Secretary of State, and place in his hands a copy of that despatch as a record of that communication.

I am with great truth

Sir,

Your most obedient

Humble Servant

(signed)

ABERDEEN.

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ALLEN TO ELLIOT.

DEPARTMENT OF STATE

*Austin 4 Feby 1846.*

The undersigned Secretary of State of the Republic of Texas having just returned to the Seat of Government after a temporary absence has received the note addressed to him by Capt. Elliot Her Britannic Majesty's Chargé d'affaires etc. etc. etc. under date of the 4th ultimo, transmitting the Copy of a despatch from the Earl of Aberdeen dated the 3d of Decr last calling the attention of this Government to the treaties existing between Great Britain and Texas, and notifying it that the former will have a right to require that the engagements contained in them should be fulfilled on the part of the latter, notwithstanding the voluntary surrender of her independence by her Government and people, as those engagements would be fulfilled on the part of Great Britain.

In a communication addressed to Capt Elliot under date of the 10th of July last, the undersigned referred to the measures which had then been adopted on the part of this Republic in pursuance of the overture for annexation from the United States, and expressed a conviction, that the union of the two Republics was destined to an early consummation, so far as that result depended upon the action of the people of Texas, whose decision in the matter the Executive was in duty bound to carry out.

By a recent Act of the Congress of the United States the final step necessary to that consummation was taken and Texas was admitted as a state in the Confederacy.

During the existance of Texas as an independent Republic, the obligations of her treaty stipulations with Great Britain have been and will continue to be on her part observed with the same fidelity, which has ever marked the fulfillment of those obligations on the part of

Her Majesty's Government. But after the organization of the State Government shall have succeeded to that of the Republic, the settlement of all questions growing out of her existing treaty relations with foreign powers must, so far as Texas is concerned be necessarily referred to the Government of the United States.

The undersigned avails himself of the occasion to renew to Capt Elliot the assurances of distinguished consideration with which he has the honor to remain

His most obedient  
and

Faithful Servant—

EBNR ALLEN

Captain CHARLES ELLIOT

*Chargé d'Affaires of Her Brittanic Majesty*  
*etc. etc. etc.*

CORRESPONDENCE WITH FRANCE.

HENDERSON TO MOLÉ.<sup>a</sup>

HENDERSON TO MOLÉ.<sup>b</sup>

MOLÉ TO HENDERSON.<sup>c</sup>

HENDERSON TO MOLÉ.<sup>d</sup>

HENDERSON TO IRION.<sup>e</sup>

Legation of Texas

Despatch No 1.

To the Honorable R. A. IRION

*Secretary of State*

SIR

PARIS June 2d. 1838

I have the honor to inform you that I arrived in Paris from London about the 23d of April last, and on the 28th. addressed Count Molé the following note

MEURICES HOTEL April 28, 1838

Genl. J. Pinckney Henderson has the honor to inform Count Molé that he is arrived in Paris with credentials from the Government of Texas to solicit the recognition of the Independence of that Republic; and will be glad to be informed at what time he can have the honor of paying his respects to His Excellency. He has also the honor of transmitting to Count Molé a copy of the declaration of the Independence of Texas, together with her Constitution

To Count MOLE etc. etc. etc.

I concluded from all that I was able to learn from Gentlemen who I supposed knew pretty well the disposition of the French Government in regard to the affairs of Texas, that there was but little pros-

\* April 28, 1838. See Henderson to Irion, June 2, 1838.

<sup>b</sup> May 26, 1838. See Henderson to Irion, June 2, 1838.

<sup>c</sup> May 29, 1838. See Henderson to Irion, June 2, 1838.

<sup>d</sup> June 1, 1838. See Henderson to Irion, June 2, 1838.

<sup>e</sup> L. S.

pect of procuring her recognition at their hands unless their difficulties with Mexico should result so as to dispose her to that very desirable measure, and I concluded not to urge Count Molé to answer my note until I learned the result of that affair. Accordingly I waited until the 26th. ultimo, and having heard through correspondents in the United States and the public newspapers that the French fleet were blockading the Ports of Mexico, I determined to embrace that occasion as most favorable to the attainment of the object of my mission. I then addressed to Count Molé the following Note

"The Undersigned Agent of the Republic of Texas begs leave to call the attention of His Excellency Count Molé, Minister of Foreign Affairs and President of the Royal Council to the communication which he had the honor to address to His Excellency on the 28th. April, notifying him of the arrival of the Undersigned as the Diplomatic Agent of the Republic of Texas to solicit the recognition of the Independence of that Republic by the Government of France; and again most respectfully begs Count Molé to inform him at what time it will be his pleasure to grant him an interview. The Undersigned is aware that it would be improper at this time in his communications to Count Molé, to make a statement of facts to prove the justness of the claim of Texas to a separate National Existence, or to prove her ability to maintain her Independence. He will therefore delay such communication until he is informed by Count Molé that he is willing to hear such reasons as he may have to urge in that behalf. The Undersigned cannot however close this communication without calling the attention of Count Molé to the fact, that the Government of the United States have for more than twelve months acknowledged Texas as an Independent Nation and treated with her as such, and of observing at the same time, that respect to the opinions of that Government alone will he trusts induce Count Molé at least to return an answer to the communication of the Undersigned. He begs leave to inform Count Molé that he has taken apartments at No. 51. Rue Neuve St. Augustin where any communications he may be honored with will reach him. The Undersigned avails himself of the occasion to assure His Excellency Count Molé of his very high regard and consideration"

(Signed)

J. PINCKNEY HENDERSON

May 26, 1838

To His Excellency Count MOLE *etc. etc.*

To which I received a reply of which the following is a translation:

"The President of the Council and Minister of Foreign Affairs begs leave to inform Genl. Henderson that he will have the honor to receive him on thursday the 31st. May at 9 o'clock in the morning

should that hour suit his convenience. He takes this occasion to offer the assurance of his most distinguished consideration. 29th May."

At the time appointed in the above note, I attended at the Foreign Office and was politely received by the Count; when I tendered <sup>a</sup> him the letter which I bear, accrediting me as the Agent of Texas he informed me that he could not formally receive me as the Accredited *Agent* of Texas—that such an act *might* be regarded as a partial recognition of her Independence. I replied that I would not so regard it, but that if he had any scruples upon that point, it would answer my purpose equally well if he would read the letter to satisfy himself officially, that what I requested was done by the authority of my Government, and then consent to hear what I had to say in favor of the claims of Texas to recognition by France. To which he gave his ready assent, read the letter, returned it to me and said he would very willingly hear all that I might have to say in that regard. I then observed that inasmuch as he did not speak English, nor myself French, it would be more convenient for him and myself if I submitted the statement in writing—to which he agreed. The interpreter who accompanied me did not speak French well enough to enable me to confer with the Count to my satisfaction, and therefore I deemed it best not to enter into a detail of the merits of the case.

I then took leave of him and on the next day made him this communication

PARIS June 1st. 1838

To His Excellency Count Molé<sup>b</sup>

The Undersigned Agent of the Republic of Texas, in conformity with his intention expressed to His Excellency Count Molé President of the Council and Minister of Foreign Affairs on the 31st ulto. when he was honored by him with a personal conference, begs leave now to submit to him the reasons upon which Texas founds her claim to recognition by France as an Independent Nation; and in order to prove that Texas is an Independent Nation 'de jure' as well as 'de facto', it will be necessary for the Undersigned to go somewhat into a detail of the history of the settlement of that country by the present Inhabitants, and the causes which compelled them to declare their Independence of the Mexican Government; in doing which he will be as brief as possible. The Undersigned is aware that the motives of the people of Texas in commencing their opposition to the Government of Mexico in the year 1835, have been much misrepresented abroad, which circumstance he hopes will be a sufficient excuse for the length of this communication.

<sup>a</sup> Tendered.

<sup>b</sup> With the letter that follows, cf. Henderson to Palmerston, October 26, 1837, in Henderson to Irion, November 5, 1837, in Correspondence with Great Britain.

The first settlement of Texas by the present Inhabitants was commenced by Stephen F. Austin in the year 1821 under a grant from the Crown of Spain to his Father Moses Austin. At this time Texas was a wilderness inhabited only by Savage Indians, whose ferocity and warlike disposition had prevented the Spaniards from settling that country. Owing to the great difficulties which the settlers were compelled to encounter on their first arrival, they made but little progress until Mexico revolted from the Crown of Spain. In the years 1823, 1824 and 1825, Special Colonization laws were passed inviting Foreigners to emigrate to Texas.<sup>a</sup> In the mean time the people of Mexico had declared themselves independent of the Govt. of Spain and established for themselves in 1824 a Republican form of Government. The Constitution which they adopted at that time was the result of the deliberations of a convention in which all of the provinces of the Republic of Mexico were represented, each as a separate independent Sovereignty; the State of Coahuila and Texas, being among the number. That Constitution guaranteed to each Province a Republican form of Government according to the Specifications therein contained; Each Province reserving to itself the right of a separate State Government, and of legislating upon all affairs of a local nature.<sup>b</sup>

That Compact gave to the Provinces of Coahuila and Texas (which was then formed into one State) a specific political existence, and guaranteed to her people the well defined rights of Self Government. By that compact it was agreed that Texas should be separated from Coahuila and form a distinct State with all the privileges that were guaranteed to each of the other States, as soon as she was possessed of the requisite number of Inhabitants. Texas consented to that conditional union with Coahuila upon the faith of this Guarantee. It was therefore a solemn Compact which neither the State of Coahuila and Texas, nor the Federal Govt. of Mexico could justly change without the consent of the people of Texas. The Undersigned deems it important also to remind his Excellency Count Molé that the compact so formed, guaranteed that the constitution should not be altered, nor the rights of any of the contracting parties thereto abridged, except by the consent of 3/4ths of the States, and in the manner therein prescribed. That provision of the Constitution was repeatedly violated by the several political parties, after they had succeeded in elevating their leader to the Presidency of the General Government; but the usurpers were on each occasion deposed, and the constitution of 1824 restored to the States. On each of these occasions above alluded to, the people of Texas were arrayed on the side of the constitutional party.

<sup>a</sup> They should rather be called general laws. They will be found in Gammel, *Laws of Texas*, I, 27-30, 38-40, 40-46.

<sup>b</sup> With these general statements, cf. Constitution Acts of the Mexican Federation, articles 3, 5, 6, in Gammel, *Laws of Texas*, I, 61.

In the year 1833 the people of Texas finding that she was possessed of the requisite number of Inhabitants and the resources required by the compact, to entitle them to be admitted as a State separate from Coahuila to which she had been conditionally united as above stated, called a Convention which declared, that the time at which they were entitled to be organized as a separate state, had arrived. Accordingly a respectful petition addressed to the General Congress of Mexico was adopted, stating the facts and requesting the consent of the General Government to the Constitution for their State Government which they had agreed upon in Convention.<sup>a</sup> This petition was not only neglected, but the Agent entrusted to advocate it, was imprisoned for no other reason than his insisting upon its ratification. This gross violation of the rights of the people of Texas was only met by mild and respectful remonstrances on their part, still hoping that their rights would be secured to them after some delay. But in that flattering hope they were destined to be disappointed, for in the year 1834, Genl. Santa Anna the President of Mexico, who had deposed Genl. Bustamante<sup>b</sup> for overthrowing the Constitution of 1824 and establishing a Central Government, joined his former enemies, and in his turn became the Enemy of the liberties of Mexico, destroyed the Constitution of 1824, and established once more a Central Military Government without the consent of the States as required by the compact of 1824. By that act of usurpation, the Legislatures guarantied to the different States were destroyed. Against these revolutionary measures of Santa Anna who had usurped the Govt. of Mexico, the States of Puebla, Oaxaca, Mexico, Jalisco and other parts of the Nation resisted. The State of Zacatacas<sup>c</sup> took up arms, but was soon conquered by the standing army of the Usurper. The State of Coahuila and Texas through their legislature remonstrated against the change of the form of Govt. and insisted on their right to a State Legislature. For that assertion of their priviledges Genl. Santa Anna caused Genl. Coss to arrest with a military force, the Governor of Coahuila and Texas Don Augustin Viesca,<sup>d</sup> the Secretary of State and several of the leading members of the Legislature of that State; and the rest of the Legislature were compelled by the military orders of Genl. Coss to abandon their deliberations. In the summer of that year (1835) the President of Mexico despatched Genl. Coss to enforce his unconstitutional decrees. This violent abuse of their rights, together with the other causes herein before enumerated, roused the people of Texas, and they took up arms in defence of their constitution. A consultation of the people of Texas was held in November of that

<sup>a</sup> See Gammel, *Laws of Texas*, I, 491-492.

<sup>b</sup> Bustamante.

<sup>c</sup> Zacatecas.

<sup>d</sup> Viesca.

year, in which they declared their intention of restoring and adhering to the Constitution of 1824, and called upon the rest of the people of Mexico to assist them in the struggle. This resistance had been anticipated by the Usurper, and he was prepared with a strong army to defeat it. The great mass of the common people of the different states being ignorant, illiterate and degraded scattered over a large territory, without organization and without weapons of defence, fell an easy prey to the ambition of the new Govt, Texas alone presenting a firm and well organized defence. Genl. Coss who commanded the forces of Mexico sent to subdue Texas and Zacatacas, after conquering the latter, marched his army into Texas, and took possession of the strong fortress of the Alamo, near the town of San Antonio de Bexar with 1300 Mexican Soldiers; but the people of Texas nothing daunted by that bold act of coercion, attacked that officer in his fortification<sup>a</sup> with only 300 men, and after a severe struggle, Genl. Coss surrendered his whole force to the commander of the 300 Texans. The only object of the people of Texas at that time, being a restoration of their constitution, Genl. Coss and his army were released upon the condition that they should not again oppose Texas in her efforts to accomplish that object. Immediately after the intelligence of the surrender of Genl. Coss reached the City of Mexico, the President Genl. Santa Anna marched against Texas with 8000 of his best troops, Genl. Coss and his army being amongst the number. The first point which they attacked was the Alamo, which Genl. Coss had surrendered and which was now garrisoned by 186 Texans. This small number held out against the whole Mexican force of 8000 men for 13 days and the post was finally carried with a loss on the part of the Mexicans of 1500 Men. The Texian Garrison *all* fell under the sword of the Mexicans. Whether or not any part of them demanded quarter not one survived to tell. From there the Mexicans marched to Goliad, which place was abandoned on their approach by 300 Texans under the Command of Col. Fannin, who were overtaken a few leagues from the Town and after a severe and bloody battle fought in the open prairie without artillery and without cavalry on the part of the Texans against more than ten times their own number, who were supplied with every destructive means of war, they surrendered upon the condition that they should be discharged upon their parole of honor not to take up arms again during the war. That treaty of Surrender was cruelly violated by the order of Genl. Santa Anna, who caused the whole force so surrendered to be marched out and shot, five days after they fell into his power. The people of Texas now discovered that it was the determination of the destroyer of their liberties to

<sup>a</sup> Cf. note a, p. 825.

carry his threat to exterminate them into execution; and being now satisfied that they could no longer hope for assistance from the other States of the Republic, determined to separate themselves from all political connexion with their faithless and inefficient allies. They accordingly elected representatives in each district of their State, who assembled in the town of Washington in Texas, and on the 2d March 1836 declared that inasmuch as the compact entered into between themselves and the General Government of Mexico had been destroyed without their consent and without any other authority than the will of a military despot, the people of Texas were and of right ought to be free and independent of Mexico. A Copy of this declaration, together with the constitution adopted by Texas,<sup>a</sup> the Undersigned has heretofore had the honor to transmit to Count Molé. The above stated facts are now most respectfully submitted to His Majestys Government for their candid consideration; and the Undersigned flatters himself they are sufficient to justify the people of Texas in taking the position which they now occupy.

The Undersigned is aware that by the wise policy of the best regulated Governments of the present enlightened age, when a people for any cause whatever revolutionize their form of Govt. and apply to another Government to be recognized under their new organization, the only matter necessary to be considered is whether or not the Government so re-organized is the Government 'de facto' and capable of maintaining itself as such. He might therefore have dispensed in a great measure with the foregoing statement; but he prefers to submit the true history of the circumstances under which the Government of Texas now claim to be recognized.

In order to prove to His Majesty's Government that the people of Texas are capable of maintaining their present position against the efforts of Mexico to force them into submission, and to show the ability of the Government of Texas to discharge all the obligations of an Independent Nation, the Undersigned begs leave to submit the following statement of facts. He begs His Excellency Count Molé to observe, that in all the above mentioned battles between the Texian and Mexican forces, the former proved themselves greatly superior in skill, Courage, humanity and a rigid adherence to the established rules of civilized warfare. He will now return to the history of the invasion of Texas by Genl. Santa Anna as it transpired *after* the convention of the people of Texas declared their Independence of Mexico. After the cruel murder of the party who surrendered under Col. Fannin as above related, the Mexican Army under the immediate command of Genl. Santa Anna marched on through the centre of Texas, laying waste the whole country and putting to death every

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\* See Gammel, *Laws of Texas*, I, 834-837.

citizen whom the fate of war placed in his power, until his advanced division 1700 in number was met on the plains of San Jacinto by the army of Texas then under the command of Genl. Houston to the number of 700. The Mexican Army was attacked in their temporary fortifications, between 8 and 900 were killed on the field of battle, the Balance together with the President and Commander in Chief fell into the hands of the Texians, with a loss on the part of the latter of only 7 killed and 22 wounded, which again proved their great superiority over their enemy. The rear division of the Mexican Army was then permitted to retreat without the limits of Texas under an express agreement on the part of the President Genl. Santa Anna (then a prisoner in Texas) that Mexico would terminate the war and immediately recognize the Independence of Texas.<sup>a</sup> Since that period Mexico has not dared to invade the Territory of Texas. They have not complied with the conditions of that agreement by recognizing Texas, as an Independent nation, but from that time may be dated the termination of the struggle for Independence in Texas. When the character of the people of Mexico is so well known—when it is remembered that her half civilized population are thinly scattered over an immense territory—that her history presents but one scene of revolution from the time she separated from the Crown of Spain to the present day—that their Govt. has at all times been alike faithless to their own Citizens and to their engagements with foreign Nations—their revenue exhausted and their credit abroad and at home destroyed—that the people of Texas have in every engagement proved their vast superiority in every particular which constitutes true soldiers—when it is seen that Texas has been and is still rapidly increasing in population and wealth, and that more than two years have expired since the last attempt was made by Mexico to invade Texas which is separated from her only by an imaginary line, the Undersigned flatters himself that His Majesty's Government will not hesitate to conclude that Texas is able to maintain her independence against every effort of Mexico. And to prove to His Majesty's Govt. that Texas is capable of discharging every obligation of an Independent Govt., the undersigned begs leave to call their attention to the history of that Republic from the first commencement of her opposition to the usurpations of Genl. Santa Anna in 1835 to the present day. Immediately after the dissolution of the legislature of the State of Coahuila and Texas in 1835 and in the imprisonment of the Governor etc. by the order of Genl. Santa Anna as here before stated, Representatives of the people of Texas met together in consultation and established a provisional Government which was designed to exist until they could reestablish the constitution of 1824.

<sup>a</sup> The treaties of May 14, 1836. See *House Journal*, 1st Tex. Cong., 1st sess., 24-26.

Previous to that time the Government had been but imperfectly organized and still more imperfectly administered in Texas, owing to the continual internal dissensions which constantly agitated every part of the republic of Mexico, together with the ignorance and want of common honesty in the Mexican Officers who were appointed to preside over their Courts of Justice. Notwithstanding this distracted state of affairs in Texas, as soon as the people of that country took the Govt. into their own hands wise laws were provided and administered with the strictest justice and firmness and all things assumed a new and pleasing aspect. When the people found it necessary to separate from Mexico in 1836, the same convention which made that declaration, agreed upon a constitution for the newly established Govt. and submitted it to the people for their ratification in September following. That convention also established a Govt. *ad interim* and elected a President and other necessary officers to administer the affairs until the next ensuing December, when the Constitution if ratified by the People was to go into effect.

In September the proposed Constitution was unanimously adopted, under which a President, Vice President and Members of Congress were elected, and the Govt. went into operation under the present Constitution in December of that year. The first Congress under the Constitution passed all necessary laws for the Govt. of the Country, re-organized the Courts of Justice according to the requisitions of the constitution, levied the proper and necessary taxes, and provided for the defence of the country. Since that time the Congress of the Republic have held three sessions, constantly guarding the Interests of the Country by additional laws and remedying such as were found by experience to be defective. Every department of the Govt. being completely organized, the whole country presents a scene of prosperity and harmony unparalleled in any other Country under similar circumstances. Population and wealth are flowing into the Country from all parts of the U. States, invited by the richest lands and most delightful climate in the world. Texas possesses a Territory of 230 millions of acres of Land, only 30 millions of which have been disposed of to individuals previous and since the commencement of the revolution. The Balance belongs to the Govt. and will yield a large and certain revenue to her treasury. Moderate duties have been imposed upon goods imported from foreign Countries, and a levy of a direct tax made upon real estate which affords the most abundant revenue which will be sufficient during the present year (according to the report of the Secty. of the treasury, estimating it only at the same as last year<sup>a</sup>) to pay the whole of the public debt contracted during the war together with the sum necessary for the civil government of

\* Only fragments of this report have been found. These are in the Financial Papers in the State Library.

the Country. After the present year Texas will have a large surplus revenue to apply to the internal improvement of the Country.

The undersigned with all due deference to His Majestys Govt begs leave to call their attention to some of the many advantages which he is convinced would result both to France and Texas by a treaty of amity and commerce between them. Texas has within her limits more land well adapted to the culture of cotton than is to be found in the whole United States—this land being richer and in a better latitude will produce on an average one third more cotton than lands of the United States. The cotton being of finer quality is better suited to the French Market than any other. The country is being rapidly settled by rich planters from the U. States. Cotton must be their staple article. They cannot find a market for it in the U. States, by reason of the very high duty imposed in that country on all Foreign Cotton—they must then seek a market in Europe. The lands of Texas are also adapted to the culture of silk, sugar, rice, indigo and tobacco, for all of which they must seek a market abroad. Texas will never become a manufacturing country. The people therefore must receive from other countries in return for her raw materials, all kinds of manufactured articles. France can supply them cheaper than any other country with all kinds of silks, wines, fine cotton goods, together with many other articles of commerce, all of which she will admit into her Ports on the most favorable terms. It is important also to be observed that Texas affords a greater quantity of the best live oak than any other country known to civilized nations; and as she can never be extensively a commercial country, that valuable article for ship building, will be at the command of other nations at a cheap rate.

The people of Texas immediately after their seperation from Mexico and at a time when they feared they might be engaged in a long war, in order to secure a speedy peace and restore immediate quietness to the country, resolved to make application for admission into the Govt. of the United States. Founded upon that resolution and under the instructions of the President the Minister of Texas at Washington made application to the Govt. of the U. States for annexation, which was not consented to. Since that resolution was adopted, the people of Texas have become satisfied that the war with Mexico is virtually terminated—that they are entirely secure and rapidly prospering under their seperate Government—that they, not being a manufacturing but a planting people would be oppressed by the protective Tariff of the U. States if admitted as a State of that Republic. They have therefore determined to remain separate and to govern themselves, offering to all other countries equal advantages in her markets. The United States after a careful examination of all her claims to Independence, and with a perfect knowledge of her power, resources etc. in March 1837 formally acknowledged Texas as

an Independent Nation, received her Minister at Washington and appointed a Representative who now resides near the Government of Texas.

The Undersigned hopes that this frank and explicit exposition of historical facts of general notoriety will satisfy your Excellency that the new Republic of Texas has established her Independence upon a basis which cannot be shaken, and that she has the moral character, courage and force to maintain her position as an Independent Nation. It cannot be expected that other Powers whose commercial interests and political obligations may be involved will wait for the action of Mexico on this subject. That Govt. was itself a revolted colony and was not recognized by Spain as an Independent Nation until two years ago, long after all the other Powers had acted upon the question. The Undersigned takes leave to say that the course of Texas is precisely that (in a more humble, but not less decisive character) of the glorious revolution achieved by this Great Country, which elevated His Present Majesty to the throne which he now occupies and adorns. The revolution of July was one of Constitutional freedom, and the Gallant and Noble example of France has been followed by Texas in resisting oppression and consecrating the principle, that every people have a right to decide for themselves when their fundamental laws are violated and their liberties invaded. France stands in such a commanding position before the world, that no one has dared to question her right, and the undersigned hopes that the spirit which prompted her own glorious revolution will induce His Majestys Government to take the initiative in the recognition of a Republic desirous of forming political and commercial relations with this great and polished Nation. The Undersigned has the honor to assure your Excellency of his distinguished consideration.

(Signed) J. PINCKNEY HENDERSON.

You will observe that I have made no allusion in the above communication to slavery in Texas, deeming it most prudent to leave that subject untouched until Count Molé mentions it. I shall urge a decision upon my application as strongly as the delicacy of the cases will admit. I still think much depends upon the result of the Blockade which this Govt. has proclaimed against Mexico.<sup>a</sup> If Mexico still refuses to satisfy the demands of France and an absolute war should be the consequence, then I think my chance of success is pretty good. But should the difficulty be speedily settled, I cannot hope to succeed. I in any event expect considerable delay, unless Count Molé is more prompt with me than he is with every other foreign Minister. I have learned from high authority within the last few days that there will soon be a change of Ministry here; if that takes place and the new Cabinet should be very popular they

may be able to take a more favorable and independent course towards Texas (if they are so disposed) than the present Ministry dare do. Should my application be rejected, I will then propose a commercial arrangement between Texas and France. I will in the mean time keep you constantly informed of my proceedings at this Court.

I have the honor to remain your most obt  
Humble St

J PINCKNEY HENDERSON

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IRION TO HENDERSON.

DEPARTMENT OF STATE,  
City of Houston Augst. 7th, 1838.

SIR,

I have the honor to acknowledge the receipt of your Despatch No 1, dated Paris, June 2nd. The peculiar relations which now exist between France and Mexico, had induced this Government to hope, that your reception by the former would have been more favorable; without, however, regarding your interview with Count Molé as particularly unfavorable to Texas. The Blockade of the Mexican ports by France is reducing Mexico to a deplorable state. She cannot live without commerce, which is now cut off on the Atlantic coast. And the Pacific has to depend on the consequences which future operations will in due time develope.

This emergency has induced them to attempt smuggling goods into their own country through the ports of Texas. The absence of the blockading squadron from the Texian coast has produced an effort, it seems, on the part of the friends of the eastern population of Mexico to introduce merchandize through our western ports, for the purpose of supplying the Mexicans near the Rio Grande.

Measures have been taken by this Government to defeat the objects which our enemies are endeavoring to carry into effect relative to this matter. The Secretary of War has already ordered to the neighborhood of Corpus Christi Bay Artillery and other munitions of war.

This is a subject of deep solicitude to this Government, fearing that these acts may be considered by France as a partial evasion of the blockade; and although we have had neither agency nor connivance in the matter, France may deem it necessary to extend the blockade to our coast, thereby cutting off our commercial intercourse with the U. States; a result, at the present time, that would inflict great injury on the flourishing prospects of Texas.

It is a source of more anxiety to the Government at the present moment than any other contingency connected with our political condition; for the whole country is tranquil, the population, even at this

season of the year, rapidly increasing, and not the least apprehension is entertained that Mexico will again attempt to invade us.

The Commercial Arrangement which you concluded with England is satisfactory to this Government.<sup>a</sup>

I received on yesterday a Despatch from our Legation at Washington, dated July 12th. Mr. Preston's resolutions, which had a bearing on the proposition for the annexation of Texas to the Union of the North, our Diplomatic Agent accredited to that Government, informs, me were laid on the table by a vote of 24 to 14.

This circumstance is one of regret and peculiar delicacy to the Government of Texas. Our Minister at Washington is instructed positively to withdraw the proposition, which doubtless he will do. Should he not he will incur the decided censure of this Government. The amount of the matter is this—That proposition, in the equivocal attitude which it has now assumed, can no longer exist except by a total disregard of the policy of this Government.

The Diplomatic Agent of Texas near that Government, as before stated, has positive instructions, "should the present session of the Congress of the U. States adjourn without having acted definitely on the proposition to inform you of the result.

It is well known to this country that such a result has been anticipated; and unfortunately for our interests we are compelled to acquiesce in it.

You will in all respects consider the proposition for the annexation of Texas to the U. States as withdrawn; and Dr. Jones (our present Minister) will, perhaps, before you shall have received this, inform you that he has formally withdrawn it. It is expected by the President that you will notify the Governments of Europe, wherever the interests of Texas are concerned, that the said proposition has been withdrawn.

Texas has not now, and in all probability, never will have, any desire to renew it. You know well the considerations which prompted the measure. Those causes operate no longer.

You may say in truth to all, that Texas is prospering to an extent that no one could have reasonably anticipated when you left us.

I have the honor to be with

perfect friendship and Esteem

Yr. Obt. Svant.

R. A. IRION.

To the

Hon.

J. PINCKNEY HENDERSON,

*Diplomatic Agent of Texas*

*near the Governments of England*

*and France.*

<sup>a</sup> See Henderson to Irion, April 12, 1838, in Correspondence with Great Britain.

HENDERSON TO MOLÉ.<sup>a</sup>

IRION TO HENDERSON.

DEPARTMENT OF STATE  
*City of Houston, Sept. 7th, 1838.*

SIR,

In addition to what I suggested in my despatch of the 7th. ultimo relative to the French Blockade, the President desires you to convey to the French Government his request that they will extend the operations of their fleet to the coast of Texas as far as may become necessary to prevent the evasion of their blockade of the ports of Mexico.

The peculiar condition of our South-Western frontier and coast owing to the sparce population in that quarter, and the entire absence of any naval force at the disposition of the Government to observe that portion of our coast, renders this measure an act of justice to the French Government.

Up to the latest dates the blockade was sustained by the French.

The prosperity of the country continues unabated.

Great efforts are making in opening plantations, building up towns and extending our settlements.

It will not be hazarding much to say that the American and European population of the Republic has doubled in the last two years.

Your despatch of the 2nd. of June is the last received. I mention this under the apprehension that more recent ones may have miscarried.

We shall expect with much solicitude your next despatches.

Accept the renewed assurances of consideration and regard by

Yr. Obt. Servant,

R. A. IRION

To the

Hon.

J. PINCKNEY HENDERSON,

*Diplomatic Agent of the*

*Republic of Texas, near the*

*Govmt of France.*

HENDERSON TO MOLÉ.<sup>b</sup>


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<sup>a</sup> August 16, 1838. See Henderson to Irion, October 5, 1838.

<sup>b</sup> September 26, 1838. See Henderson to Irion, October 5, 1838.

PRESIDENT OF COUNCIL [MOLÉ] TO HENDERSON.<sup>a</sup>

HENDERSON TO MOLÉ.<sup>b</sup>

HENDERSON TO IRION.<sup>c</sup>

Legation of Texas  
Despatch No 2.

PARIS October 5th. 1838

To the Honorable, The Secretary of State  
For the Republic of Texas.

SIR

For some months after my last despatch, I awaited according to the intimation which I then gave you, to see the result of the demand which France had just then made upon Mexico; hoping that the unfriendly feeling which I saw likely to grow out of this affair would dispose France to hear my request with a more favorable feeling than I believed her disposed when I first arrived in Paris. Indeed, I then discovered that unless France and Mexico actually commenced hostilities, I could not expect to obtain the recognition of Texas by the French Government. About the middle of August, it was rumored here in the Ministeriel Circles, that France then saw that she would have much more difficulty in coercing Mexico than she at first anticipated, and that she was then willing to compromise the affair upon almost any reasonable terms. Fearing that the imbecility of Mexico might induce her to accept of such terms as France in her then state of feeling would offer, I concluded that the time had arrived when I ought to press this Government to give me a definite answer. Accordingly I addressed to Count Molé the following Note

"The Undersigned Agent of the Republic of Texas begs leave to call the attention of his Excellency Count Molé, President of the Council and Minister of Foreigns Affairs to the communication which he had the honor to address him on the 1st. of June last upon the subject of the recognition of the Independence of Texas by His Majesty the King of the French, and begs Count Molé to inform him of the determination of His Majesty in that regard. The Undersigned avails himself of this opportunity to renew to Count Mole the assurances of his distinguished consideration"

To his Excellency Count Molé etc. etc. etc.

PARIS August 16th. 1838 (signed) J. PINCKNEY HENDERSON.

<sup>a</sup> September 30, 1838. See Henderson to Irion, October 5, 1838.

<sup>b</sup> October 1, 1838. See Henderson to Irion, October 5, 1838.

<sup>c</sup> L. S.

In a few days I received an intimation from him that he was preparing a report upon the subject of my mission, which he would submit when finished to the King and the rest of the Cabinet, and that he would inform me of their determination in that regard, when had. I then again concluded to await their decision with patience. Not however having received any communication on the 26th of September, I addressed him as follows,

PARIS September 26th. 1838

"The Undersigned Agent of the Republic of Texas begs leave again to call the attention of his Excellency Count Molé, His Majestys Secretary of State for Foreign Affairs to the communication which he had the honor to address him on the 1st. of June last upon the subject of the recognition of the Independence of Texas by His Majesty the King of the French, and begs that he will honor him with an answer to the same.

In addition to the reasons heretofore set forth in support of the claim of Texas to recognition as an Independent Nation, the Undersigned begs leave to add the increased embarrassment of Mexico in her Foreign Domestic and Financial relations, the remarkably rapid increase of the population of Texas for the last six months and her independent financial condition, arising alone from her internal prosperity and resources; which he hopes will be sufficient to convince His Majestys Government (if they entertained any previous doubts) that Mexico has no prospect of reconquering Texas. And when His Majesty contemplates the present and the past situation of Texas—that the present authorities of that country have held the reins of Government for the last three years—that by recognizing the Independence of Texas, no guarantee is given—that His Majesty is only solicited to acknowledge a *fact* that has existed for three years, and has been recognized for eighteen months by the Government of the United States, viz. that the Government which the Undersigned represents is '*de facto*', the Government of Texas, the Undersigned hopes that his Majesty will, with the same promptness and justice which has ever characterized the Government of France in like cases comply with his solicitations in this case. He cannot however conclude this communication without again insisting that the facts of this case not only warrant that His Majesty shall recognize the Independence of Texas upon the above principal, as the long established usage of Nations in such cases, and that she is capable of maintaining her present position and of performing all of the obligations of an Independent Government, but that they will justify the determination that Texas is '*de jure*' an Independent Nation; for the facts to prove which, the Undersigned begs leave to refer his Excellency Count Molé to his communication of the 1st. of June last, or to so much of it

as contains References to this point of the case. When Count Molé recollects that nearly five months have expired since the undersigned first applied to him on this subject, and when he is at the same time informed that the time is near at hand when it will become the duty of the Undersigned to leave France, to discharge a duty imposed upon him by his Government in another country, he is persuaded that he will no longer delay answering his application.

The Undersigned begs leave to renew to Count Molé the assurance of his very high regard and distinguished consideration

(Signed) J. PINCKNEY HENDERSON.

To Count Molé etc. etc. etc.

To which I received the following note in reply (Translation)

"The President of the Council, Minister of Foreign affairs has the honor of stating to Genl. Henderson that he would be happy to see him tomorrow Monday the 1st. of October at 9 o'clock in the morning.

\* He takes this occasion to offer him the assurance of his distinguished consideration."

FOREIGN OFFICE, September 30th. 1838.

I attended at the Foreign Office according to the request contained in the Count's note, and had a very satisfactory conference with him. He informed me that he had instructed the French Minister at Washington City to send one of his Secretaries to Texas immediately to enquire into and report to this Government the situation of the country in all respects; and that they could not give me a definite answer until they heard from him.<sup>a</sup> I replied that I was glad to hear that His Majestys Government had taken that course—that I was sure there was nothing requisite to prepare the minds of this Government to recognize Texas but a full knowledge of her Government, People and resources—that the Govt. at Washington had pursued the same course, which resulted in a favorable report, and was speedily followed by absolute recognition. He then asked me if Texas had a representative in England. I informed him that I had been there, but that that Govt. still delayed the recognition of Texas, but that they had not refused to recognize and still had the matter under consideration: that I had brought a letter from Lord Palmerston to Earl Granville the British Ambassador at this Court for the purpose of enabling me to carry on the negotiation through him. I also informed him that I had previous to my leaving London, made a com-

<sup>a</sup> A de Saligny, secretary of French legation at Washington City, 1838; secret agent of the French Government to Texas to report on the country, 1839; chargé d'affaires to Texas, 1839-1841, for a time in 1842, and again from the end of 1844 or the beginning of 1845 to 1846.

mercial arrangement with the British Government, which would open a direct trade between Texas and the Ports of Great Britain; and that since he informed me of the course which His Majesty had determined to adopt towards Texas—a course which must necessarily cause several months delay before I could expect any final action, I regarded it as important to propose a similar arrangement with his Government to that I entered into on the part of Texas with Great Britain. You will observe that I mentioned to him in my last communication that it would soon become my duty to leave France for another Country. He (I suppose recollecting that) then asked me when I wished to leave France. I candidly replied that I was instructed by my Govt. to use my discretion in that respect and that I was anxious to learn what prospect I had of obtaining the recognition of Texas during the coming winter by France and England so that I might regulate my movements accordingly—That if I discovered that neither would take that step during that time, I would return to Texas—that I wished to satisfy myself upon that point before the winter set in, so that I might have a pleasant passage across the Atlantic if I found it necessary to return without fully accomplishing the object of my mission, but that I would remain with great cheerfulness, if there was a probability of my being able to effect the commercial arrangement I intended to propose with France in a reasonable time, or that I would gladly remain all winter or until the Agent despatched by France to Texas shall have made his report, provided this Govt. would be governed in their future determination upon the subject of the recognition of the Independence of Texas by the report of that Agent. I thought from Count Molés reply to my last speech, that he was disposed to avoid committing himself or his Govt. on the latter point, because he observed in reply that he would be glad that I would not leave Paris as soon as I spoke of because the Govt. might wish to make a commercial arrangement with me, which they would take immediately into consideration.

I replied that I would await their decision upon that subject with a great deal of pleasure, and that it was my intention to submit the proposition in a more formal manner as soon as I could do so, which would be in a day or two. I then repeated my determination to remain, if I discovered there was a prospect of obtaining the recognition of Texas by France during the coming winter, and that if there was no prospect I would return; and that I wished to satisfy myself upon that point before the last of November. He, after a moments hesitation, observed, that I only gave them two months—that he did not suppose they could hear from their Agent in that short time. This observation induced me to believe, that the course of this Govt. upon the subject of recognition would depend very much upon their Agents report. I saw too that he did not exactly understand what I

intended to say, viz. that I wished to learn before the last of November, whether or not there was a reasonable prospect of obtaining our recognition by France *during the coming winter*. I did not however repeat the assertion or put it by way of an interrogatory, as I had determined to await their decision upon the subject of the commercial arrangement, and then ask another interview with the Count, when I could interrogate him fully upon the course his Govt. was likely to pursue—whether the King would recognize provided his Agent's report on the situation of Texas warranted that course, or whether any other circumstance that might be nameless would influence his decision upon that subject. After some other unimportant conversation, he asked me the nature of the commercial arrangement I had made with England—whether it was in the nature of a convention or treaty. I then explained it to him as it really is. He then expressed a desire to see a copy of Lord Palmerston's letter communicating the determination of the British Govt. upon my proposition, which request I did not deem expedient to refuse, and accordingly transmitted to him a copy of the same, with the following communication.

PARIS—October 1st. 1838

When the Undersigned Agent of the Republic of Texas last had the honor of an interview with his Excellency Count Molé, Minister of Foreign Affairs he expressed his desire to make a commercial arrangement with the Govt. of France, under which a direct commerce may be carried on between her Ports and the Ports of Texas, until His Majesty the King of the French shall have recognized the independence of Texas. He now has the honor to submit the proposition in a more formal manner. The Undersigned would regard it as superfluous to enter into a formal argument, or to cite any part of the laws and usages of Nations to prove that according to that code, a Neutral Power has the right to avail herself of the trade of a revolted State, previous to the recognition of the independence of such State either by the Govt. to which it belonged, or the Neutral Power. In regard to this point of the present case, he deems it sufficient to remind his Excellency that the power of Mexico in Texas has been entirely extinct for three years—that during the whole of that time, Texas has been entirely governed by the authorities which the undersigned has the honor to represent—that a similar arrangement to that which he now proposes to make with the Govt. of France, existed between the Govt. of the United States and Texas previous to the recognition of the Independence of the latter by the former—that Texas has been recognized and treated with as an independent Nation by the Govt. of the United States for more than eighteen months. The only point then to which it seems necessary to enquire is in relation to the *expediency* of such an arrangement as

that proposed. With regard to that, the Undersigned begs leave to inform Count Molé that Texas is not and never can be a manufacturing country. Her climate, the disposition of her citizens, the richness and extent of her soil, together with the nature of its products will forever prevent it, by directing their labor and capital to the cultivation of her lands. Her People then must depend for their manufactured articles upon France and other Foreign Countries, for which she will exchange her Cotton, Indigo, Raw Silk, Tobacco, Sugar and various other articles, which the richness of her soil and the mildness of her climate enable her to produce in great abundance. The United States being the only Govt. which has recognized the independence of Texas, and until lately, the only Country with which Texas could carry on a direct commercial intercourse, has monopolized the whole of her profitable trade, and imposed upon her the highest prices. Under the existing state of things between France and Texas, the People of Texas are compelled to pay double duties, double freight and double profits to Merchants upon all French Goods which they consume, viz. Freight from France to the United States, duty to the Customs of that Country and a profit to her Merchants, with the additional freight to Texas, duty to her Custom-houses and profit to her Merchants. Thus the People of Texas have been compelled to pay an exorbitant price for all Goods manufactured in France, or obliged to use inferior articles of American manufacture at a price beyond that for which they could import French Goods direct. The Undersigned is authorized to say that the largest portion of the Goods which are best suited to the Texian Markets are manufactured in France, and would be imported into that Country, provided it could be done without subjecting them to the taxes as above mentioned. The Cotton of Texas is superior in quality to any raised in the United States except that of the Sea Islands, and consequently, the undersigned is informed is better adapted to the French than any other Market. By the Tariff laws of the United States, all Texian Cotton imported into her dominions, is subject to a tax of three cents per pound, which will force her to seek a Market in other Countries. His Excellency Count Molé will see, that as matters now stand, France is denying herself the benefits of a lucrative trade with Texas, whilst the British and American Governments are enjoying its benefits. The Undersigned proposes on the part of Texas to enter such an arrangement with the Govt. of France, as will admit the vessels of Texas with Texian papers flag and Cargo into the Ports of France, upon such terms as may be compatible with her laws, and the pleasure of His Majesty the King. He has also the honor to inform Count Molé, that according to the present laws of Texas the vessels and manufactured Arti-

cles of France will be received into the Ports of Texas upon the same terms as those of the most favored nation. He begs leave to remind his Excellency that the season is now at hand when the People of Texas are seeking a Market for their Crops of the present year, and receiving in return their winter supplies of Goods, and therefore requests his Excellency to inform him at the earliest convenient time of the disposition His Majestys Govt. shall make of this proposition, that he may inform his Govt. of the same. The Undersigned begs leave to renew to Count Molé the assurance of his most distinguished consideration

(signed) J. PINCKNEY HENDERSON.

To His Excellency Count Molé *etc. etc. etc.*

I would gladly have avoided giving to Count Molé a Copy of Lord Palmerstons letter as above stated, but I could have made no sufficient excuse for withholding it since the arrangement has been approved and published by the Govt. of Texas; because that places it so far as its publicity is concerned upon the same footing with public Treaties. If this Govt. will consent to a similar arrangment, it will answer all the purposes of trade; but I am convinced that I could have made a more formal arrangment with them, if I could have withheld Lord Palmerstons letter because I stated to him in general terms, that the Treaty between Mexico and England was continued in force by that arrangment between Texas and England; And inasmuch as the Treaty heretofore existing between Mexico and France is at least suspended by the hostile position which France has assumed towards Mexico, I am of opinion that I could have induced this Government to have entered into a formal compact with Texas independent of her treaty stipulations with Mexico.

I have but little doubt I will be able to effect some sort of an arrangment with them speedily upon what basis I cannot say.

Some difficulty has heretofore existed in regard to Texian Citizens obtaining passports to come from England into France, inasmuch as Texas has no recognized minister in London, and inasmuch as the French Minister in London only had power heretofore to grant passports to French and English Citizens, all others being compelled to obtain passports from the Minister of their own Government.

In July last, there being several Citizens of Texas in England who were desirous of visiting Paris and being unable to do so for the above reason, they wrote to me requesting my interference. I immediately addressed a note to Count Molé Requesting him to cause the French Ambassador at London to grant the several persons therein named the necessary passports to come to France; and also requested him to empower and instruct the Ambassador to grant pass-

ports to all Texian Citizens who should thereafter apply to him, until Texas shall have been recognized by France. To which he replied that he had in compliance with my note given the order and instructions to the Ambassador in London; so that hereafter Texian Citizens in England will meet with no delay in that regard.

I heretofore informed you that upon leaving England, I had been furnished by Lord Palmerston with a letter to Earl Granville the British Ambassador at this Court for the purpose of enabling me to carry on the negotiation with the British Government through him. I called on him a few days since, and held a conversation with him upon the affairs of Texas, and asked him to inform me what the disposition of his Government was at that time in regard to the recognition of Texas.

He said that he had not heard from London upon the subject particularly, but that if I desired it he would write Lord Palmerston upon the subject. I requested him to do so, and informed him at the same time that I was instructed to inform his Government that the Minister of Texas at Washington had been instructed to withdraw the proposition heretofore submitted for the annexation of Texas to the United States.<sup>a</sup> Upon that subject I will write you a separate despatch when I hear from him.

I have the honor to be

Sir

Your Most obedient  
humble Servant

J PINCKNEY HENDERSON

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HENDERSON TO JONES.<sup>b</sup>

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HENDERSON TO SECRETARY OF STATE [IRION.<sup>c</sup>]

Legation of Texas  
Despatch No. 3.

PARIS, October 28th. 1838.

To the Honorable  
Secretary of State.

SIR

I have the honor to acknowledge the receipt of your communication of the 7th. Ultimo instructing me to "communicate to the French Government, the desire of the President that they may extend the

<sup>a</sup> Cf. Irion to Henderson, June 6, 1838, in Correspondence with Great Britain.

<sup>b</sup> October 6, 1838. See Calendar.

<sup>c</sup> L. S.

operation of their fleet to the Coast of Texas, so far as it may become necessary to prevent the evasion of their Blockade of the Ports of Mexico." The circumstance of the late occupation of Corpus Christi, a port within the limits of Texas, by the Mexicans, had not escaped my observation; and I had reflected on the propriety of naming it to this Government, and informing them that the Govt. of Texas would not be averse to their Blockading that part of the Texian Coast, previous to the receipt of your instructions upon that point. I had however come to the conclusion that it would not be compatible with the interests of Texas to do so, inasmuch as the main ground upon which I have founded my application to the French Government for the recognition of Texas as an Independent nation is *her ability to maintain her independence*, unaided by other Nations; and that Mexico has not the power to invade or again subdue any part of Texas; and that by requesting this Government to Blockade that part of the Coast of Texas, would be a contradiction of that important position, and tantamount to saying to France, that Texas is not able to defend her territory against Mexican aggressions and therefore she solicits your assistance. I was strengthened in that determination by the knowledge that Texas has the ability, and the belief that the Government would exercise their power to remedy that evil. I had also come to the determination that should Count Molé allude to the matter and ask leave to extend the operation of their fleet so far as to prevent its evasion through that Port, I would deem it advisable to say to him, that the Government of Texas would have no objection to their doing so; that that Port is in a region of Texas that is not inhabited by our Citizens and remote from her frontier settlements, and therefore she had not regarded its occupation as in the least degree important to her present peace and safety; and in that way avoid the reflection, which the possession of that Port by Mexico within the limits of Texas, might cast upon the strength and energy of the latter. I beg that you will not suppose that I have made these observations in a dictatorial spirit. I only offer them as reasons to *justify* my conclusion in that regard.

When I received your communication on this subject, my first impression was that I could use no discretion when my instructions are in the positive. I was led however again to review the reasons upon which my former conclusion was founded, the result of which was, to strengthen my conviction of its correctness. The same vessel which brought your despatch, brought also news of a more recent date from Texas, which informed me that a Company of Texian troops had marched against the Mexicans at that place,<sup>a</sup> who upon hearing of their approach, had abandoned it. Under these circum-

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<sup>a</sup> Corpus Christi.

stances, and with the full conviction that I am acting as the President would have me act, if he could be present to instruct me, I have determined not to make his request known to the French Government. I now avail myself of the earliest opportunity to convey to you that determination, and ask the President further instructions on the subject. Altho' the information which has reached me in regard to the abandonment of Corpus Christi by the Mexicans is not official, yet under all the circumstances I have deemed it most prudent to regard it as true. Certainly when the *cause* upon which the Presidents request was founded, ceases, the most positive instructions may be disregarded. I am not one of those who believe that I am vested with authority to disregard in any case I may see proper the positive instructions of my Government. I consider that I am sent here to do that, which the President would do if he were present; but suppose I had learned since the receipt of your communication, that all differences between France and Mexico had been amicably settled. No one would doubt I presume that I would be at liberty under such circumstances, to disregard the most positive instructions. If I have erred in my course in regard to this matter, I can only assure you that it is the result of the want of a proper understanding of the interest of Texas, and not a disposition to disregard the President's will because it happens to differ from my own.

I think that it would even be better that Mexico should be permitted to keep possession of that Port, than that Texas should ask another Nation to dispossess her. But I hope it is true that the Government have not only shown that they have the disposition, but the power, to drive the Mexicans from their territory.

I will anxiously await your reply to this communication; but should this Government refer to the subject, and propose to extend their Blockade to that Port, I will speak of it as a matter of indifference to Texas, and inform them, that I am at liberty to consent to their desire, if in their opinion it will become necessary to take that step.

I have heard nothing from Count Molé, since my last despatch upon the subject of the commercial arrangement which I proposed. I will not urge the subject again until I suppose he has received the report of the Agent which he informed me he had ordered to be sent to Texas, as I have some reason to believe, that the true cause for his requesting me not to leave Paris as early as I had intimated was my design, is a wish to keep me here until they hear from that Agent, and more of their position before Vera Cruz, and not as he alledged, a wish to enter into a commercial arrangement with Texas previous to their final decision upon the question of recognition. That however may not be the case. It would be well for you to keep me

informed of the movements of the Agent of this Government, who I suppose is now in Texas, so that I may urge matters here, as soon as his report is received.<sup>a</sup>

I have the honor to be

Sir

Your Most obedient

Humble Servant

J. PINCKNEY HENDERSON

HENDERSON TO IRION.<sup>b</sup>

PARIS October 28th 1838

DR SIR

Accompanying this letter you will receive my despatch upon the subject of the operations of the French blockading squadron etc. etc. I hope soon to have your reply and the opinion of the Government upon the same.

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I hope to hear from you soon after the arrival of the Agent in Texas who has been sent by this Govt. and also please inform me of his subsequent movements, particularly of his return that I may know when to urge this Govt. to a descision upon the question of recognition

Your Obedient Servant

J PINCKNEY HENDERSON

HENDERSON TO LAMAR.<sup>b</sup>

PARIS October 28th 1838

MY DEAR SIR

I presume that you will by the time you receive this be in the full exercise of the Chief Executive Office of Texas and upon your appointment to which allow me to congratulate you most heartily. You will see by refering to my former despatches (one will accompany this)<sup>c</sup> how I have conducted affairs with this and the British Government and how matters now stand here. I wrote a long letter a few weeks since addressed to "the President"<sup>e</sup> which may find you

<sup>a</sup> This report did not reach France until late in the next year. See Hamilton to Lamar, July 8, 1839, in Correspondence with Mexico.

<sup>b</sup> A. L. S.

<sup>c</sup> A part of the matter here omitted relates to Henderson's salary. For the remainder see Calendar of Correspondence with Great Britain.

<sup>d</sup> Dispatch No. 3, Henderson to Secretary of State [Irion], October 28, 1838.

<sup>e</sup> This letter has not been found.

occupying that station when it reaches Texas. That letter together with my Despatch to the Secy of State of the same date will inform you of my position at this Court. I had asked and obtained leave of your predecessor to return home this fall provided I concluded that I could obtain no advantage for Texas during the coming winter or spring in France or England. You will have learned from my letters and despatches that I have concluded to remain this coming winter in Paris and the reasons which influenced me to come to that determination. I have a strong hope that this Government will recognize Texas as soon as they receive the report of the Agent which I heretofore informed my Government they have ordered to Texas for the purpose of enquiring into her situation etc. etc. I cannot avoid believing from Count Molés whole manner and expressions, on the occasion of my last interview with him on the subject of Texian Affairs that they really wish me to remain here until they hear from that Agent and also from their squadron before Veracruz and that if the report upon our affairs is favourable as it seems to me it must be and their situation in regard to Mexico is not different from that at present I believe they will immediately recognize Texas. Their true object in requesting me not to leave Paris as early as I intimated was my intention *may* be as Count Molé expressed it viz, a desire to consider the question of a commercial arrangement but I think otherwise. I will not urge that matter but await the receipt of the Agents report when I will immediately press the question of recognition

I hope the Secy of State will keep me regularly informed of the movements of that Agent that I may judge rightly of the time to press matters here. The despatch which will accompany this letter will inform you that I have *postponed* acting upon the instructions of the Secy of State under date of the 7th of September last until I have further directions and my reasons therefor which I hope will meet your approbation. My opinion is that a Minister has no right to delay acting upon *positive* instructions from his Government; that is a genl rule to which I apprehend there are some exceptions, such as a thorough conviction on the part of the Minister that some important points involved have been over looked by his Government which if called to their attention would convince them of the propriety of countermanding their orders in regard to the matter; or a change in the situation of the thing involved, which appears to be the case in the present instance. It does seem to me that the reason which dictated those instructions has ceased and that there is no longer a necessity of acting upon them even supposing that they were at the time issued founded on good reasons. It appears to me to be acknowledging too much to admit that Texas is not able to drive a few hundred vagabond Mexicans from her territory. It would cer-

tainly be contradicting what I have heretofore solemnly alledged viz that Texas is not only able to defend her own Territory against invasion from Mexico but that she has the power to invade her enemy. I was very much relieved by the receipt of the news (soon after I received the despatch alluded to) that Corpus Christy the port alluded to had been abandoned by the Mexicans on hearing of the approach of a body of Texian troops, as that (though not official) afforded as I conceive a good reason for my course.

If the French Government thinks it important to their interest to have the liberty of cutting off the Mexican trade through any of our ports which are unoccupied by our citizens it seems to me that it is most proper that they should name it. In such an event I could see no good reason for refusing to give the Governments consent provided it only extended to such of our ports as are not settled by our citizens

I think however that it would be more compatible with the interest etc. of Texas to prevent the Mexicans from occupying any port of her Territory. I am aware that the want of the necessary funds has prevented Texas from acting against her enemy as efficiently as her *physical* ability would warrant.

I informed the Secy of State in my last despatch that I had held a conference with Lord Granville the British Ambassador of this Court upon the subject of Texian affairs and that he had promised me that he would inform his Government of the same. I received a communication from him a few days since conveying the answer of his Government to my inquiries upon the subject of their disposition at that time in regard to the recognition of Texas. The substance of it is that they have not yet come to the determination to recognize Texas. If France recognizes upon the receipt of their Agents report I will immediately repair to London and urge the matter before that Government. I hope that Congress and the Government will dispose of the claims of the British subjects (for goods etc. captured) at an early day. I have heretofore communicated my views upon those claims fully.

I have the honour to remain your Most  
Obedient Servant

J PINCKNEY HENDERSON

Genl LAMAR

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HENDERSON TO JONES.<sup>a</sup>

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MOLÉ TO HENDERSON.<sup>b</sup>

<sup>a</sup> October 28, 1838. See Calendar.

<sup>b</sup> November 2, 1838. See Henderson to Secretary of State [Irion], November 12, 1838.

HENDERSON TO MOLÉ.<sup>a</sup>

HENDERSON TO MOLÉ.<sup>b</sup>

HENDERSON TO SECRETARY OF STATE [IRION].<sup>c</sup>

Llegation of Texas  
Despatch No. 4

PARIS, November 12th, 1838

To the Honorable  
The SECRETARY OF STATE

SIR

In Despatch No. 2, I informed you that I had proposed to this Government to establish Commercial arrangements between it and Texas. I also then informed you of the reason that induced me to make that proposition, before the question of recognition was disposed of. After making the proposition formally to the Kings Government, I deemed it most prudent not to urge them to come to a determination upon the same, still fearing that they might regard such a course as indicative of my true expectations in regard to their action upon the claims of Texas. I also believed that they were at least determined to enter into the arrangement which I proposed, and that they would only delay it for the purpose of inducing me to remain in daily expectation of completing it, until they could hear from their Agent whom I heretofore informed you they have sent to Texas. If I were right in that conjecture at first, I suppose they altered their determination with regard to the *time* of completing the arrangement I proposed, after I had fully assured Count Molé of my determination to remain, until they shall have received that Agent's report. On the 5th. Instant I received from Count Molé a communication in answer to my proposition of which the following is a translated Copy.

SIR

I have the honor of announcing to you, that the Government of the King, after an attentive examination of the proposal which was the object of your letter of the 1st. of October, is disposed to agree to that proposal on the following terms

"Until the mutual relations of France and Texas are regulated in a complete and definitive manner, the Citizens, the vessels and the Merchandise of the two Countries shall enjoy in every respect in each of the Countries the treatment accorded, or which may eventually be

<sup>a</sup> November 7, 1838. See Henderson to Secretary of State [Irion], November 12, 1838.

<sup>b</sup> November 12, 1838. See Henderson to Secretary of State [Irion], November 12, 1838.

<sup>c</sup> L. S.

accorded to the most favored Nation, conformably moreover to the Respective Usages."

If the powers which you hold from your Government, authorize you to subscribe to this stipulation, I will be obliged to you Sir, if you will let me know, and express in its name, a formal and explicit adhesion to it, in order that the Government of the King may be enabled to give in consequence, the necessary information and advice to the French Commerce.

Receive Sir the assurance of the very profound consideration with which I have the honor to be

Your very humble and obedient Servant

(Signed)

MOLÉ.

PARIS, November 2d. 1838

The terms proposed by the Kings Government for the regulation of the intercourse between the two Nations, being perfectly reciprocal, and as favorable to Texas as I could expect, I did not hesitate in coming to the conclusion to agree to them. The powers which I hold from my Government being plenary, and my instructions from the former Executive of Texas upon this Subject, being definite: regarding too the precedent cases, and considering them at least partial authority in the present, and also considering that this commercial arrangement does not amount in *form to a Treaty*, and therefore not requiring the Sanction of the Senate to make it complete; I determined to exercise the full power vested in me by the late Executive, and give the complete and definite sanction of my Government to the same, so as to give to it immediate effect here and in Texas, as you will see from the Count's communication was the King's desire. I was also anxious to have the matter finally arranged, as soon as possible, in order that it might be made known publicly in the United States in time to influence the United States Bank in coming to a decision upon the subject of the Texian Bonds, which they had under consideration.<sup>a</sup> I therefore after a full consideration of all the circumstances addressed the following reply to the Count's communication:

PARIS, November 7th. 1838

The Undersigned Agent of the Republic of Texas, has the honor to acknowledged the Receipt of His Excellency Count Molés communication of the 2d. Instant, announcing to him that the King of the French has determined to enter into a commercial arrangement with the Government of Texas in accordance with the proposition of the Undersigned of the 1st. of October last, and proposing the following terms

"En attendant que les relations mutuelles de la France et du Texas soient réglées d'une manière complète et définitive, les Cito-

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<sup>a</sup> See Catlett to Irion, July 29, 1838, in Correspondence with the United States, in Part I.

yens, les Navires et les Marchandises de chacun des deux pays jouiront, à tous égards, dans l'autre, du traitement accordé, ou qui pourra être accordé par la suite à la Nation la plus favorisée, et conforme, en outre, aux usages respectifs."

The Undersigned being fully authorized and empowered by the Government of Texas, to make and complete a commercial arrangement with the King's Government does hereby agree to, ratify, and confirm, on the part of his Government, the terms as above set forth and proposed by the King's Government for regulating the Commercial intercourse between France and Texas, until the same shall have been more formally and definitely arranged between the two Nations.

The Undersigned begs leave to renew to his Excellency Count Molé, the assurance of his most distinguished consideration

(Signed) J. PINCKNEY HENDERSON.

His Excellency Count Molé  
etc. etc. etc.

Had not so many weighty circumstances concurred to induce me to take the course I have in this matter, I would not have agreed that the arrangement should go into effect, without first receiving the sanction of the new Executive. I the more readily concluded to take the course I have, because the terms of the arrangement are as favorable to Texas as the President could desire, and such as I am convinced will meet with his entire Sanction. You will see that the arrangement is entirely based upon the National existence of Texas, independent of her present position towards Mexico, or the consideration that she has not yet been formally recognized by France as a Nation, separate and independent of Mexico.

It is therefore much more advantageous than the arrangement which I made with England. That arrangement is founded upon the supposition that Texas is still a part of Mexico; and the British Government have consented to shut their eyes to the true situation of Texas, and allow her vessels to enter British Ports under the stipulations of the Treaty between England and Mexico. In the above communication from Count Molé, you will see he speaks of Texas as a Nation, and her authorities as a Government. I am fully persuaded that the King will recognize Texas immediately upon the receipt of the report of the Agent who has been sent to Texas, provided he reports favorably of her situation, and provided also that they do not previously settle their difficulty with Mexico.

I have just received from Mr. Jones the Texian Minister at Washington, a communication announcing to me, that he has under instructions from the President, formally withdrawn the application of Texas for admission into the Union of the United States.<sup>a</sup> Imme-

<sup>a</sup> See Jones to Vail, October 12, 1838, in Calendar of Correspondence with the United States, in Part I.

dately upon the receipt of that information which was rendered official with me by a former communication from the Secretary of State, and considering the influence it might have upon this Government, when they came finally to pass upon the question of recognition, I communicated the fact to Count Molé as follows:

PARIS, November 12, 1838

The Undersigned Agent of the Republic of Texas has the honor to inform His Excellency Count Molé, the Minister of Foreign affairs etc., that he is instructed by his Government to make known to the King's Government that the application heretofore made to the Government of the United States by Texas to be admitted into the Union of the United States, has been formally and absolutely withdrawn by the Texian Minister at Washington in pursuance of instructions from the Government of Texas. The Undersigned regards it as incumbent upon him, and gladly avails himself of this opportunity to explain to the Government of the King, the *apparent* inconsistency, that while Texas was applying to another Government to be recognized as an Independent Nation, She was at the same time seeking admission into the Union of the North American States. Soon after the declaration of her Independence in 1836, the people of Texas by a vote of great unanimity, resolved to make application to be annexed to the United States. That resolution was entered into soon after her separation from Mexico and at a time when Texas regarded her contest with Mexico as doubtful in its result. She was also aware, that should the Government of the United States agree to receive her under their protection, the contest would be immediately terminated, and her people become at once, a flourishing and rich Community. Accordingly the Texian Minister at Washington under instructions from the President soon after the formation of the present Government of Texas, made a formal application to the Government of the United States to annex Texas to that Government as one of the States of the Union. That proposition was rejected by the President of the United States in a few weeks after it was made, but not before the people of Texas had at least become indifferent on the subject.

Events which occurred in Texas and Mexico soon after the former declared herself independent of the latter, such as the defeat and capture of the Mexican Army in Texas, together with Genl. Santa Anna, the commander in chief and President of Mexico, the embarrassed situation of the Treasury of Mexico, the rapid increase in the population of Texas, these combined with other causes, convinced Texas, that she not only had every necessary element to form an Independent Government, as well as the power to defend herself against Mexico, but that she would become the invading power in the event of a continuance of the war.

The people and Government of Texas, after fully considering the matter, saw the many disadvantages to which they would subject themselves by the proposed annexation to the United States; Amongst the greatest of these, was the protective Tariff laws of the United States, enacted exclusively for the benefit of the Northern States, and to protect their manufactorys; and which have so long oppressed the Southern Cotton growing States of that Country. Knowing that as a Government separate and independent of the United States, they could invite every Nation of Europe to enter her Markets with their Goods upon equal terms; that they might purchase of those who could supply them upon the most favorable terms, and take in exchange the produce of their lands, they rejoiced that the President of the United States had refused to treat with their Minister for their annexation to that Government.

When the President of the United States, by the Secretary of State of the United States informed the Minister of Texas of his determination in that regard, the Government of Texas Considered that the proposition had been finally disposed of. And so it rested, until the spring last past, when some of the Members of the Congress of the United States from the South, anxious to have Texas annexed to the Union, in order to counter balance the power of the Northern Tariff States, and give to the Southern States a majority of members in Congress, again brought the question up by proposing a resolution to annex Texas to the United States. Upon being informed of that fact, the Senate of Texas passed a resolution requesting the President to instruct their Minister at Washington to formally, finally and unconditionally withdraw the application for the annexation of Texas to the United States, which he did as above stated. Hereafter the relations between Texas and the United States will be the same as between other Nations of the Earth.

The Undersigned avails himself of this occasion to renew to Count Molé the assurance of his very high regard and most distinguished consideration.

I am etc. etc. etc. (Signed) J. PINCKNEY HENDERSON

His Excellency Count Molé  
I shall at an early day make the same known to the British Government through their Ambassador at this Court.

I have the honor to be Your Most obedient  
and very humble Servant  
J. PINCKNEY HENDERSON

\* This must be a mistake. Cf. Irion to Hunt, May 18, 1838, in Correspondence with the United States, in Part I.

HENDERSON TO JONES.<sup>a</sup>

HENDERSON TO SECRETARY OF STATE [IRION].<sup>b</sup>

PARIS Nov 23rd 1838

DR SIR

Since my last despatch to you nothing of importance has transpired. I still await the report of the Agent whom France has sent to Texas. I find that it will be necessary for me to have letters of credence from Genl Lamar the *present* President of Texas, to the Governments of France and England. I have letters from Genl Houston to the King of France and Queen of England but inasmuch as I shall not obtain leave to deliver them until *after* Genl Lamar is inaugurated (if *at all*) it will be necessary for me to have others from the *then* President of Texas as such is the custom in this Country. It is also necessary that I should have a letter of credence to the Queen of France and the Queen *dowager* of England. And as I *may* need the letters accrediting me to this Court in a couple of months I must request you to forward them to me as *soon as possible*. The letters which I have from Genl Houston are blank and *only* signed by the President without being countersigned by the Secy of State and having attached thereto the Great seal of Texas as is necessary to make them unobjectionable

In attending to this matter you will much oblige me by asking the President to sign his name at the bottom of the first page of each sheet of fine letter paper to which you will please attach the *Great* seal of the Republic and countersign your name

Please place the Great seal on with wafors as it will look naked without: I am thus particular because the blank letters forwarded to me from Texas heretofore are deficient in every particular except the Presidents name. I request you to send them blank in order that I may adopt the most approved form for the letters. The first page of a sheet of letter paper will be sufficiently large to contain a letter of the kind necessary. It will be necessary to have three for each Court viz One for the King (here) one for the Queen and one to forward to the Minister of Foreign affairs for his inspection and approval before I can have leave to present the original to the king etc. etc. The same in England. You are doubtless aware that much *very* much importance is attached to matters of form here and the least deviation from the established forms is fatal to any act. By

<sup>a</sup> November 12, 1838. See Calendar.

<sup>b</sup> A. L. S.

having the letters sent as above I can avoid every possible difficulty. I am in great haste as I write this whilst the American Consul waits to close his letter bag

Your Most Obdt

Humble servant

J PINCKNEY HENDERSON

HENDERSON TO JONES.<sup>a</sup>

HENDERSON TO JONES.<sup>b</sup>

HENDERSON TO SECRETARY OF STATE [BEE].<sup>c</sup>

PARIS Jan 26th 1839

To The Honble SECY OF STATE

SIR

I have not yet learned the names of the gentlemen who form Genl Lamar's Cabinet and therefore know not to whom I ought to address this letter. Every thing has been in confusion with this Government for the last ten days the Ministers having resigned in consequence of the vote of the Chamber of Deputies upon the various items in the address of that body to the King censuring them for a bad administration of the Government particularly in regard to their intercourse and connexions with Foreign Governments. The King has requested Marshal Soult to form a new Cabinet with himself at its head but to retain Count Molé. The Marshal it seems has refused to enter into a coalition with any of the late Ministry unless they agree to make certain concessions of their opinions which they hitherto have refused to do. I hope that Molé will continue as Minister of Foreign affairs because he is now pretty well acquainted with Texian affairs and I think well disposed and should another person come into that office at this time I fear it would greatly retard the business of my Mission. I am still quietly awaiting the report of the Agent which this Government has sent to Texas. As soon as they shall have received that report I will urge them to give me an immediate and definite answer to my application for the recognition of the Independence of Texas. I hope that you have since your instalment into office examined the several Despatches which I addressed last Fall to your predecessor so that the President with your advice may

<sup>a</sup> December 5, 1838. See Calendar.

<sup>b</sup> December 28, 1838. See Calendar.

<sup>c</sup> A. L. S.

know how to cause me to be instructed in regard to the several matters therein alluded to, \* \* \* \* \* and I as stand now in one I

My Despatches up to this date will I think pretty well acquaint you with the situation of the business of this Legation. \*

I requested leave of Genl. Houston last summer to return to Texas (leaving the business here and in London in charge of Mr McIntosh) as soon as the two Governments shall have acknowledged the Independence of Texas which leave I obtained through the Secy of State. It is still my determination to act upon that leave unless Genl. Lamar otherwise commands me and upon which subject I wish to hear from you as soon as possible. \* \* \*

I suppose that the President will send a separate Minister to each of the Courts of Paris and London after they recognize Texas? In that event Mr. McIntosh wishes to fill one or the other of the places. He is well qualified and intimately acquainted with the business of both Legations. I will however write to the President on this subject. I hope I shall be ready to leave for Texas about June next.

I have the honour to be  
Your obt servant

HENDERSON

HENDERSON TO LAMAR.<sup>c</sup>

PARIS Feb 26th 1839

MY DEAR SIR

Having been confined to my bed for several weeks with inflammation of my lungs and being still confined from its effects I am now barely able to pay my respects to you by writing a few words. Things remain here as they were when I last had the honour of addressing you. I promised Count Molé as I heretofore informed you that I would let matters rest until he received the report of the Agent which he ordered to Texas and therefore I cannot urge recognition again until that report reaches him. I very much wish that he had received it before this time as I think now would be a most favourable moment to act. I have lately alluded to the subject in general conversation with him hoping that he would relieve me from my bond by taking up the subject himself but he seems to be determined to let it rest until he can act upon evidence furnished by that Agent. The Government is a good deal alarmed by a report which has reached here that Mexico has issued letters of Marque etc. The King dissolved the Chamber of Deputies lately—the election for another chamber takes place in a few days when I hope the Ministerial party will suc-

<sup>a</sup> For matter omitted see Calendar of Correspondence with Great Britain.

<sup>b</sup> The matter here omitted relates to Henderson's salary.

<sup>c</sup> A. L. S.

sceed by a majority sufficiently large to enable them to act freely and independently upon all questions. Should that be the case and should their Agent make a report that will justify them in it I have no doubt that the King will speedily recognize Texas. If the letters of Marque which Mexico has issued are general in the powers they confer viz to capture etc. *all* enemies vessels and goods, will not the commerce of Texas suffer? I hope she may soon have vessels of her own sufficient to protect her commerce. I fear that England will not recognize Texas so long as Canada continues to threaten to revolt. Lord Durham in his communication lately to the Queen's Government upon the subject of Canada and its Government, the causes of the disturbance etc. etc. gives as one strong reason why the rebellion took place in Canada the example of the conquest made of Texas by the people of the South Western States of the United States. Several other *Noble Lords* have taken the same position in debating that question. I have always been of opinion and have so expressed it to Genl Houston that that question would continue to and had greatly retarded the final action of the British Government on the question of Texian Independence. I mentioned to the Secy of State some time since that I wished to return to Texas as soon as I can accomplish the object of my Mission. I would dislike to return before that event. I cannot think however of remaining here as my health has suffered severely from this and the winter climate of England. Mr McIntosh whom you know is desirous of receiving the appointment to this or the Court of St James after I leave. He is well qualified and well acquainted with the state of business at both places. I have instructions or leave from the former Executive to leave the business here and in England in his charge after recognition in case I wish then to return upon which I shall act unless I am otherwise instructed by Your Excellency. I will go very early in spring. Will you favor me with your opinion on the subject and when you are willing to be responsible for my safety. I could expect some if not equal favor in England and Servant etc. etc. or friends having at present shall not do you any disservice at home. J. PINCKNEY HENDERSON  
 Genl M. B. LAMAR, a representative to you in the name of the Texian Govt. etc. etc. above named having resided at no particular place to obtain information need of representation. Now as it appears to me that he need not wait for you to be sent over to him. HENDERSON TO BEE<sup>b</sup>  
 Paris Feb 27th 1839  
 MY DEAR SIR  
 I am now slowly recovering from a very severe attack of inflammation of the lungs and threatened hemorrhage an affliction which I have

<sup>a</sup> The matter here omitted relates to Henderson's salary.  
<sup>b</sup> A. L. S.

heretofore suffered under. I am still confined to my room but hope to be out in a few days

I cannot spend another winter here with safety. My constitution needs the more genial climate of Texas. I disliked to return without accomplishing the object of my mission or I would not have spent this winter here

I am rejoiced to see that Genl. Lamar has made choice of the gentlemen you name in your communication of the 20th of December <sup>a</sup> for his Cabinet. It is the strongest guarantee of the success of his administration and added to his own great merit cannot fail to produce the most brilliant results for Texas. The only matter connected with those appointments that I lament is the loss of Genl Johnston to the Army. I am glad to see that Genl Dunlap has become one of us since I left Texas. I am most anxious to hear of the return of the French agent from Texas to the U. S. as my tongue is now tied by the promise I gave Count Molé viz to rest quiet until their agent reported upon our situation etc. I am truly sorry that their Minister at Washington did not cause him to set out for Texas at an earlier day as his report might in that case have reached here before this time which would have placed it in my power to urge recognition at this time when the King and whole Nation are certainly much exasperated at the conduct of Mexico and which will be not a little increased when it is certainly known that she has issued letters of marque to Yank and English Cruisers. This Govt. now contemplate much difficulty from their Mexican relations and I think will be well disposed to recognize Texas provided their agents report will justify that step

I hope to be promptly informed by you of the return of that agent to the U. S. that I may know when to resume my entreaties with this Govt. I think that I have Count Molé so bound up by promise that he will feel himself obliged to answer me yea or nay upon the subject of recognition as soon as he receives that report. I have not urged the question in any shape since I promised him to remain quiet for that report; he cannot therefore refuse to perform his obligation etc. etc. I have once or twice lately alluded to the matter by way of giving him an opportunity of volunteering a more full and formal communication on the subject provided recent events had so disposed him; but he seems to be well determined to hear something more of Texas from one of the Kings officers. The King you know has been compelled lately to dissolve the chamber of Deputies and the elections for a new chamber take place in a few days, consequently the present Ministry wish to delay action on all important questions until after the elections fearing that they might prejudice their cause

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<sup>a</sup> See Bee to Henderson, December 26, 1838. This is probably the letter meant.

which they under the present state of affairs seem confident in.  
 \* \* \* \* Tell friend Hunt that I will write him as soon as I feel myself able. I am now so nervous and weak from bleeding, blistering, etc. etc. that I can scarcely hold my head up.

Truly Yours

Coln B. E. BEE  
*etc. etc.*

J PINCKNEY HENDERSON

HENDERSON TO BEE.<sup>b</sup>

PARIS March 10th 1839

MY DEAR SIR

When I last wrote you I was ill with inflammation of my lungs I am still suffering under the same affliction somewhat modified in its severity. I make this communication in the shape of a private letter inasmuch as I have no news of sufficient importance to communicate in a formal despatch. You have been heretofore fully informed in regard to my position here—That I cannot move until the Agent of France who has been sent to Texas makes his report. I feel well assured however that the present Government of France (The Molé Ministry) is prepared to recognize Texas provided that Agent makes a just report. The King too fully understands the question and is individually favourable to recognition provided *facts* will warrant that measure. Genl. Cass the United States Minister called on me a few days since and informed me that he had on the day previous held a conversation with the King upon the subject of Texian affairs and my position here and that his Majesty informed him that his Agent had gone to Texas for the purpose of looking into and reporting her situation etc. etc. and that he expected his Minister of State would soon hear from him—that matters of such importance as the recognition of a newly formed Government required much investigation and serious deliberation which always caused considerable delay, but that he was prepared in mind to make such a disposition of the question as might seem just and proper to his Ministers after being fully informed by their own officer now in Texas. Genl. C— held that conversation with the King in compliance with a request by myself some weeks since I requested him to do so because I knew that the King and his Ministers would communicate more freely with him as the Representative of the U. S. which has already recognized Texas than with myself or any other person. Genl. C— was convinced from all that passed that the King is favourably disposed towards Texas

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<sup>a</sup> The matter here omitted relates to Henderson's salary.

<sup>b</sup> A. L. S.

You will have learned ere this that the King dissolved the Chamber of Deputies some weeks since and ordered a new election to be held which took place on the 2nd and 3rd [inst] and resulted in a defeat of the present Ministry by a majority (variously estimated at from 20 to 30) of opposition candidates being returned.

I lament the change which must inevitably take place in the Cabinet soon after if not previous to the meeting of the Chamber which takes place on the 26th Instant. I regret it not because I suppose the new Ministry will be opposed to the recognition of Texian Independence but because I shall in all probability be compelled to travel over the whole ground over which I have heretofore so slowly passed to bring the question before the Molé Ministry as it now stands. The question may be entirely novel to the persons who will succeed the present Cabinet and unless they speedily bring it before the King who now fully understands the matter I shall yet probably meet with considerable delay. I still hope however that their Agents report will arrive by the next Steam Packet from New York and that the present Ministry may dispose of the question before they retire. That Packet is now expected daily in England by which letters etc. are brought for all parts of Europe. Should I have any reason to believe that that report has reached this Govt. by that source I will not fail to urge a decision of the question immediately. I will again urge the British Government to give me a decisive answer upon the subject as soon as France shall have disposed finally of the question.

I am still very weak and nervous.

Your obt Servant

J PINCKNEY HENDERSON

P. S. Since writing this letter I learn that the Molé Ministry have resigned and that Marshal Soult has had an audience of the King and agreed to form a new ministry this morning, 12th March.

At Fortsqqng April 1839

ANDUZE TO LAMAR

HOUSTON April 18th 1839

MR. PRESIDENT.

I have the honor to inform your Excellency, that I have been sent to you, by Admiral Baudin Plenipotentiary of France and commander of the Naval forces of that Nation, in the Gulf of Mexico, to enter into an explanation upon some propositions, which were made

<sup>a</sup> Part of the matter here omitted refers to Henderson's salary; for the remainder see Report House Committee on Foreign Relations, 4th Tex. Cong., p. 32.

<sup>b</sup> See Records of Department of State (Texas), Book 41, p. 198.

to the Admiral by the French Consul at New Orleans, and represented to be the official, though informal, expression of yourself in the impending contest between France and Mexico.

You will perceive, Mr. President, by the letter of the Admiral, which I have had the honor to deliver to your Excellency,<sup>a</sup> that I am authorized to enquire into that matter. With every disposition of the Admiral to meet the Government of Texas in an agreement, which shall be mutually beneficial and satisfactory, permit me therefore to ask.

First, What would be the nature of the co-operation of Texas in the event of a new war between France and Mexico?

Second, What would be the extent of your demands, in money, war ammunitions, means of transportation, etc.?

Third, What would be the guarantees offered for the reimbursement of the advances thus made?

As the propositions which were represented to be made by you, were not sufficiently specified, I beg of you Mr President, to state the propositions, which you would be willing to make, on the eventuality of a new quarrel between France and Mexico.

Though this Mission of mine, Mr President, does not proceed directly from the French Government, as the propositions will, I hope, be mutually advantageous, both to you and to France. The Admiral Baudine will feel it his duty to obtain the approbation and sanction of his Government.

I have the honor to be, Mr. President, with sentiments of the highest consideration and respect, of Your Excellency,

the most Obdt and humble Servt  
The Abbé M. B. ANDUZE

To his Excellency M. B. LAMAR  
President of the Republic of Texas.

*With great pleasure do we receive the information contained in your letter of the 25th April, 1839, and we trust it will be of service to you.*

WEBB TO BAUDIN.<sup>b</sup> [See note 1] We have received your letter of the 25th April, 1839, and we trust it will be of service to you.

We have also received your letter of the 25th April, 1839, and we trust it will be of service to you.

DEPARTMENT OF STATE,  
Houston 25th April 39

The Abbé ANDUZE,  
Sir, His Excellency the President has had under consideration

the enquiries propounded by you, in your favor of the 18th inst, and

<sup>a</sup> No copy of this letter has been found in the archives.

<sup>b</sup> April 25, 1839. See Webb to Anduze, April 25, 1839.

<sup>c</sup> See Records of Department of State (Texas), Book 38, pp. 118-119.

after mature deliberation, is of the opinion that no specific answer can be given to them at this time. The reasons which have induced his Excellency to come to this conclusion, you will find detailed in the enclosed communication to Admiral Baudin, which you will be so kind as to hand to him on his arrival in this country.

His Excellency the President directs me to express to you the satisfaction which your visit has afforded him, and to assure you of the great desire he entertains to form such amicable relations with France as he believes might be made mutually advantageous.

Wishing you individually much happiness, I have the honor to be with great respect, Your Most Obedient Servant.

JAMES WEBB.

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DEPARTMENT OF STATE.

Houston 25th Apr 1839.

SIR,

His Excellency the President has received with feelings of the liveliest interest the communication you did him the honor to forward by the Abbé Anduze, who has most satisfactorily explained the Object of his visit, and he directs me to say that he fully appreciates the great advantages which would result to this country, in any contest, by an alliance with the gallant people of France.

He also directs me to say that the communication which was made to you by the French Consul in New Orleans was not authorized by him but the spirit which dictated that communication accorded with the feelings of this Government at the time. Events however, have since transpired, which have materially changed the situation of affairs. France acting on principles of enlightened generosity has given peace to Mexico; and Texas, animated by a sincere desire of adjusting her difference, has been *induced* to send a messenger with the offer of peace to that Nation. It will soon be seen whether the generosity of France and the overtures of Texas, will be alike disregarded.

When Mexico shall violate her engagements with France, and refuse peace to Texas, the active and zealous Co-operation of this Republic will be given to chastise her. Judging of the future by the past, His Excellency the President is not sanguine in his expectations, that the desire for an amicable adjustment of differences felt by this Government, will be met by a corresponding spirit on the part of Mexico, and in that event, altho much to be deplored, Texas will carry the War home to Mexico, and at the point of the Sword force her to the just observance of our rights.

In the *existing* state of affairs His Excellency the President cannot give a specific answer to the interrogatories propounded by the

Abbe Anduze. When France and Texas shall both find it necessary to make war upon Mexico, this Government will enter upon it with a firm determination to prosecute it with the utmost vigor,—to give no rest to Mexico until she shall be willing to sue for it by proposing an honorable and advantageous peace. Texas will then be proud to unite with France, and will bring into the field at the shortest notice, twenty thousand soldiers and more if required; but France would be expected to advance, the money necessary to a successful prosecution of the war, and for the pecuniary responsibilities incurred by Texas she will give such guarantees as will be satisfactory to France

His Excellency the President directs me to welcome you to Texas, and to ask a personal interview with you at Houston, where he will unreservedly communicate the opinions he entertains respecting the situation of the affairs of this Country with Mexico. At the same time he will have much pleasure in making known to you the great desire which is felt by the people of this Republic, to form lasting relations of friendship with France.

I have the honor to be with great consideration Your Most obdt.  
Servt

JAMES WEBB, *Secty of State  
of the Republic of Texas.*

To Admiral BAUDIN

*Commander of the French Naval forces in the  
Gulf of Mexico.*

HENDERSON TO WEBB.<sup>a</sup>

(Despatch Informal)

LEGATION OF TEXAS  
*Paris April 28th 1839.*

To the Honl.

The SECRETARY OF STATE.

SIR,

A few days since I addressed a letter to the President requesting leave to return to Texas. Regarding it as more proper to make known my wish in that regard through that Department of the Government with which I can alone *formally* communicate, I have deemed it necessary to address you this, in the shape of an *informal* despatch. I therefore beg that you will acquaint the President of my wish to deliver up my authority as Minister to the Government of France and England into the hands of such person or persons as he may name and authorize to receive the same about the first of Sept next. I name that time for two reasons, first, because I hope

<sup>a</sup> See Records of Department of State (Texas), Book 41, pp. 196.

to have ere then obtained definite answers from the Governments of France and Great Britain upon the subject of the Recognition of Texas, and secondly that I may have time to travel South before the cold weather again sets in. My health suffered so seriously last winter from the inclemency of this climate that I cannot with safety remain here another winter. In addition my private business from which my attention has been almost entirely directed for [almost] three years demands my attention.

According to the custom, of this and the Court of St James it is necessary for a Minister upon his returning to deliver to the Sovereign the letter (or a duplicate copy of the same) recalling him. That should in this case be from the hand of the President under the great seal etc. I hope you will forward such for me, for this and the Court of London for my use in the event of Recognition before I leave. They can be forwarded by my successor and may be in blank with the Presidents name at the bottom of the first sheet or rather the first page of Letter paper, sealed etc. In that way they may be used by myself or successor in the event that Texas shall not be recognized before I leave. You are doubtless informed that great importance is attached to all such formalities in Europe and they are never departed from even in favor of the simplicity of Republican diplomats.

I learned a few days since that the agent sent by this Government to Texas arrived at Galveston in February last; I hope that his report will soon arrive here. The Duke of Montabello the Minister of Foreign Affairs *ad interim*, informed me a few days since that he expected to hear from him in the course of a few weeks. Marshall Soult has not yet succeeded in forming a new Ministry from the discordant materials which compose the combination that voted down the Molé Ministry nor do I believe that he will be able to form a Ministry under his present instructions, certainly such a Ministry could not remain in office three weeks. The combination must necessarily include men of both extremes—Republicans and Absolutists. It does seem to me that the Molé party which occupy the centre as do the Whigs in England is the only one that can succeed finally.

I suggested in my last to the President the necessity of blockading Vera Cruz and such other of the Mexican Ports as may be within the province of our Navy as soon as it is afloat and manned. I feel well assured that that course would do more to settle the war with Mexico than any other which Texas could adopt. England would feel herself bound to interfere immediately and bring about a compromise between Texas and Mexico which of course would be upon the basis of the absolute recognition of Texas by Mexico and England too. That course she would be compelled to take in order to preserve the Millions which her citizens have invested in Mines and

trade in and to Mexico. Her course in the late contest between France and Mexico is sufficient to prove this fact. The whole influence of the Capitalists in England has heretofore been against Texas. They have owing to them by the Government of Mexico about forty Millions of dollars. Mexican Bonds now sell in London at a discount of 94 to 95 per cent.

Some of the friends of Texas here have been of late somewhat alarmed by the recent report which reached them through the U. States papers, that Texas was about entering into a compact with Urrea as the leader of the federal party in Mexico to furnish men etc. etc. in consideration that he would recognize Texas etc. I have begged them not to be alarmed in regard to that matter,—that I could assure them that I believed Texas had not and would not form a political or belligerent connexion with any Mexican party.

I will officially inform you at the earliest day possible of my proceedings with this Government after their Agents Report shall have been received by them.

have been received by them. I am &c  
also I have the honor to beffume for beffalme about five days ago  
a letter of Your Most Obedient Servt. J. PINCKNEY HENDERSON.  
which you recd but beforegomey vidently & J. PINCKNEY HENDERSON.  
To the Honblel mbrs of the incumbrance of the city of Boston in the State  
of JUDEE WEBB who had no incumbrance except one small amount  
the beffing every day of his life will be answerd by his beffing  
himself you will beffund him as it is of your beffing  
HENDERSON TO WEBB<sup>d</sup> Paris Apr 28th 39.

I just \* \* \* \* \* forwarding to you the inclosed \* \* \* \* \* in the form and manner informally \* \* \* \* \* I have written to you

My excuse is that I have just received a note from the American Consul (in whose official letter bag I send all my letters to America for greater safety) requesting me to forward to his office such packages as I desire to send in an hour; as the Mail to Havre by a late arrangement of the Post Office leaves tonight instead of tomorrow morning. Therefore the Secy of Legation has not time to copy in a more neat manner the communication.

Your Most Obedient and affe<sup>r</sup>ting resummed aff<sup>r</sup> the enclosed  
and am aff<sup>r</sup> Very Humble Servt John Pinckney which I have  
had the pleasure to aff<sup>r</sup> you aff<sup>r</sup> J. PINCKNEY HENDERSON  
To The Honbl. Colleagues setted out of right here forewardly please be  
aff<sup>r</sup> to JUDGE WEBB that because your law suit I say not of necessity

Secy of State

<sup>a</sup> A. I. S.: inclosed with the "Dispatch Informal" of the same date.

<sup>b</sup> Where the omissions are indicated in this sentence the manuscript is illegible.

<sup>c</sup> Here is omitted some matter of a private nature.

McINTOSH TO SECRETARY OF STATE [WEBB].<sup>a</sup>

[Asks to be relieved of his duties as secretary of legation.]

HENDERSON TO WEBB.<sup>b</sup>

PARIS May 14th 1839

DR. SIR,

I have no matter to communicate of sufficient importance or interest to require a formal Despatch therefore I address you in this manner.

The King has at last appointed a Ministry. This was hastened I presume by an attempt which was made on the 12th Inst to get up another revolution in Paris. The Republican party commenced their efforts about three o clock on that day in the very heart of the City, by breaking open every storehouse where arms etc. were to be found and soon afterwards attacked and carried several Military Stations in the City, possessed themselves of the arms—barricaded the streets etc. etc. This movement was entirely unexpected and consequently bid fair at one time to give the Government much trouble, all Paris was thrown into great consternation for some hours. All of the National Guards, Troops of the line and civic Guards were called out, amounting in all to more than one hundred and twenty thousand men. The firing between the insurgents and Government forces continued at intervals until the next day. The Revolutionists are now completely subdued and a great many arrests have been made. During the night of the 12th there were several hundred persons killed and wounded. This disturbance is mainly attributed to the unfavorable check upon all commerce in France and especially in Paris, caused by the late suspension of Ministerial influence in the Government and the uncertainty consequent thereupon. It is difficult for citizens of America, who are indeed and feel themselves so independent of Government to understand how such events can materially affect individual prosperity, nevertheless it is true to an astonishing degree here. There are men too in France always watching for opportunities to rouse the common people to rebellion against the present Government, without, I think, being able to promise them one as suitable to their wants and capacities. The people of France are well and wisely Governed and ought to be better satisfied than any other Nation in Europe. I have not yet learned that any person of dis-

<sup>a</sup> May 13, 1839. See Records of Department of State (Texas), Book 41, p. 201.

<sup>b</sup> See Records of Department of State (Texas), Book 41, pp. 202-203.

tinction has been engaged in the late disturbance. As soon as the movement was made known to the king he sent for Marshal Soult and appointed the following Ministry.

Marshall Soult President of the Royal Council and Minister of Foreign Affairs. Mr Teste Minister of Justice and Public Worship. General Schneider Minister of War. Admiral Baron Duperre Minister of Marine and the Colonies. Mr Cuchatel Minister of the Interior. Mr Gridain Minister of Commerce. Mr Dufaure Minister of public works. Mr. Vellemain Minister of Public Instruction and Mr. Passey Minister of Finance. This Ministry combines as much *party* strength as any that could have been chosen at this time, and I hope will be able to conduct the Government so as to satisfy all parties. The King is more popular now than he was three months since. He seems to increase in wisdom and energy in proportion to the difficulties which surround him, and the enemies of his house will find it no easy matter to shake him from his throne.

I have heard nothing from the French agent who has been sent to Texas except what I get from a New York correspondent and he could only say that he had seen his arrival at Houston mentioned. I hope to hear of his return to the U States soon that I may know when to urge an answer from this Government etc.

The Duke of Montebello (late Minister of Foreign Affairs *ad interim*) asked me a few days since if it was true that Texas had sent a Minister to Mexico, and under what circumstances he had been sent, observing that he had seen it stated in the newspapers etc. etc. Of course I could only reply that I could give him no other information upon the subject than that he already possessed as I had not been officially informed of the fact, and had only myself seen it so stated in the U States papers. If it is true that Texas has appointed such a Minister, I am sorry that I am not informed of it as it *may* be important to know it when I come to move in the business of recognition.

The British Ministry resigned a few days since but resumed their stations in a few days. The Tory party cannot carry on a Government in England without the support of at least a part of the Whigs. The Radicals can of course never support a Tory Ministry. So the Whigs being placed between the other two parties, and neither having a majority of the whole, must continue in office.

Truly Your Obedient Servant

J. PINCKNEY HENDERSON

Honorable

JAMES WEBB

*Secretary of State, Texas.*

LAMAR TO MINISTER OF FOREIGN AFFAIRS OF FRANCE [SOULT].<sup>a</sup>

[Letter of Credence for James Hamilton as joint agent with Henderson to France.]

HENDERSON TO SECRETARY OF STATE [BURNET].<sup>b</sup>

Despatch No. 5.

LEGATION OF TEXAS.

Paris June 13th 1839.

To the Honl.

The SECRETARY OF STATE

SIR,

I met at the American Ministers a few evenings since, Baron Pontois, the French Minister to the United States who but recently arrived in Paris on leave of absence; and wishing to make some enquiries of him concerning the return of his Secretary from Texas, and the time when his report would probably reach Paris, and being also desirous of acquainting myself with his own feelings and impressions with regard to Texas, and her recognition by France, I sought an introduction to him. I was presented by General Cass and he received me very graciously and with many flattering expressions of good feeling for Texas and of high regard for myself individually, of whom and of which he said he had heard a great deal at Washington.

To my enquiries concerning the return of his Secty., the Agent sent by order of this Government to Texas and the time when it is probable his report will reach Paris, he replied that he has not heard of his return to the United States but that he expected he had left Texas before the first of May last, and that he would deliver his report to his Government in person. I was gratified to find the Baron so decided in his own mind with regard to the propriety and even necessity of this Government's recognizing Texas without delay. He informed me that my correspondence with Count Molé late Minister of Foreign Affairs had been forwarded to him last fall and his opinion asked upon the whole subject. He said that he replied that the facts and claims of Texas to recognition as set forth in my communication to the Court, were true as far as his knowledge extended and that his impression was, that the King ought to recognize Texas; but that to satisfy his Government beyond doubt, he would advise it to send an Agent to enquire into and report upon her situation, and he was accordingly instructed to send one of his Secretaries. He informed me also that he had had a conversation with the King upon the subject since his return to Paris, in

<sup>a</sup> May 20, 1839. Inclosed with Webb to Hamilton of the same date, in Correspondence with Great Britain.

<sup>b</sup> See Records of Department of State (Texas), Book 41, pp. 215-217.

which he had told his Majesty that he thought he would be obliged to recognize Texas in common justice, which he assured me the King received kindly. At the same time he told me that he thought the King would not delay the recognition of Texas after the Agent reported, as he hoped it would warrant that step. I doubt not that Baron Pontois' opinion and advice will have much weight with the King, inasmuch as it will be presumed that the position which he has lately occupied has enabled him to form a more correct opinion than any other individual connected with the French Government. During the conversation which I held with him the Barron observed that he was satisfied that the true reason why England delayed the recognition, is her objection to Slavery,—that altho they might not acknowledge it yet he said it is true that she gives the single fact of the constitution of Texas recognizing the right of her citizens to import Slaves from the United States, and hold them in Texas as such, more weight in determining upon her claims to recognition than all others. To which I replied that the delay of Great Britain in recognizing for that reason would not remedy the evil which she imagined existed, because Texas must continue to prosper as an Independent Nation in defiance of the injustice done her by England or any other Government by withholding recognition on that ground, and that sooner or later they would be forced by circumstances to abandon that prejudice. He rejoined that all I said was true, and that no such prejudice would influence the French Government in their decision on the claims of Texas.

Here our conversation was interupted, when he assured me he would be glad at any time to see me and give me any information he might be possessed of. I called to see him the next day in order to say some things and ask some questions which I could not say and ask the evening previous for want of time, but he was not at home.

I learned from a letter which I received from a correspondent in New York by the Liverpool Steamer which left that city on the 18th ultimo, that the French agent was daily expected there,—that is all that I have lately learned of his movements. The last communication which I have received from Texas bears date the 25th January last and is only a private letter from Mr Bee. I cannot account for not having received other credentials which I informed the Secretary of State in December last would be requisite here in the event of recognition and requested him to forward immediately. I do not believe that those I have here will be sufficient in case I shall have occasion to present them. You will by a reference to my former letters upon the subject see the reasons. They were forwarded to me since I left Texas, and it seems to me they are grossly informal. They ought also to bear the signature of the *present* Executive of Texas. I can only suppose the delay is occasioned by the miscar-

riage of despatches addressed to me. I have lately been informed by a gentleman from New York that the late Consul of Texas for that city has been removed; but he could not tell me who succeeded him.<sup>a</sup> If that is the case, I can readily account for the delay, inasmuch as the new Consul would not know how to forward my letters so that I would receive them, unless he received some instructions from his predecessor.

I shall urge this Government to recognize as soon as the Agent arrives. In the mean time, I shall keep you advised of my progress in the business.

I have the honor to remain, Your Most  
Obedient and very humble Servant.

J. PINCKNEY HENDERSON.

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HENDERSON TO JONES.<sup>b</sup>

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HAMILTON AND BURNLEY TO LAMAR.

(Private and Confidential)

PHILADELPHIA June 22d, 1839

MY DEAR SIR,

We deem it a matter of the utmost importance to a successful negotiation of a Treaty of Recognition and Peace with Mexico, or if this should fail to an effective prosecution of War, against that power, that an immediate recognition should be made of your Government by France, which would be followed by a similar Recognition by Great Britain in less than sixty days after. Without money however in France nothing can be done, because sometimes Members of the Ministry expect themselves a douceur and if they do not their underlings and friends expect it.

Now altho I consider the Recognition by France is certain, yet for the want of these Douceur it may be delayed for six months affecting your action in Mexico, at home, and materially retarding the negotiation of our loan abroad.

In the uncertainty whether this negotiation can be effected, whether we shall have friends for Secret Service, we can come under no obligation to meet this expenditure which is essentially of a diplomatic character. We have therefore on our Bills of exchange taken out 50.000\$. which we ask if need be your authority to expend in Secret Service in procuring you instantaneous recognition by the first con-

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<sup>a</sup> The man here referred to was C. H. Forbes, who was for a time vice-consul for Texas in New York, having been left in charge of the office by Consul General John Woodward during his absence in Europe. Forbes resigned, after some trouble connected with his office, April 2, 1840, and was succeeded in January, 1841, by John H. Brower.

<sup>b</sup> June 20, 1839. See Calendar.

<sup>c</sup> See Records of Department of State (Texas), Book 41, pp. 405-406.

tinental power of Europe. Whatever over and above this measure may cost, we are willing to meet out of our Commission on a contingent contract payable when we shall have negotiated our Loan. We will moreover take upon ourselves the burden of subscribing the London Press, so as to have public opinion prepared by the time Lord Palmerston is ready to act. If we do not use this money such is the of the French Court that we may be kept six months dancing after France or Marshall Soult, when with fifty thousand dollars in hand, we may procure a recognition in six days. The question resolves itself into this, as your recognition by England and Mexico, and the Negotiation of your Loan, may depend on this expenditure, whether you will give fifty thousand dollars for the consummation of these events. It may cost 100,000\$. But we will provide all over the fifty thousand dollars, and all the other contingencies, as before stated.

Be pleased to transmit by Mr Thomas L Hamilton<sup>a</sup> your reply, and we earnestly request that he may be dispatched by the return of the Steamer to New Orleans that he may reach New York in time for the Great Western, on the first [of] August. It is necessary that your answer should be specific and to the point—respectfully submitted. It is due to candor for us to say that before your reply can reach us in London, we shall probably have used the money in France and have reached England with the Recognition of Louis Philipe, we are therefore in regard to this expenditure, in all respects at your Mercy, if it is indispensable we shall make it a sure go positive unqualified success. We remain Dear Sir, with the highest respect, your Obt. Servant.

J. HAMILTON  
A. T. BURNLEY

His Excellency  
M B. LAMAR.

*Prest. Republic of Texas.*

P. S. The expenditure of the Secret Service fund, will of course be made with the sanction and entire knowledge and concurrence of Gen Henderson.

HAMILTON TO BURNET.<sup>b</sup>

PHILADELPHIA  
June 22d 1839.

SIR,

I do myself the honor to acknowledge the receipt of a despatch from your predecessor James Webb Esqr. covering the commission

<sup>a</sup> Son of James Hamilton, Texan consul at Charleston, 1841.

<sup>b</sup> See Records of Department of State (Texas), Book 41, p. 218.

which his Excellency the President has been pleased to honor me with as a diplomatic agent to be associated with Genl. Henderson in treating for a recognition and treaty's of commerce and alliance with France.

I beg you to tender to the President my profound sense of his favorable consideration of dispositions to serve your republic, and to assure him that my best efforts shall be exerted in conjunction with General Henderson to accomplish the objects of his mission.

I desire to have it distinctly understood that I will accept neither outfit or salary for these services, in which if I contribute to success I shall find my highest reward.

\* \* \* \* \*

I have the honor to remain

Sir, very respectfully

Your Obedt Servant

J. HAMILTON.

Honorable

DAVID G BURNET

*Acting Secty of State  
Texas.*

HENDERSON TO SECRETARY OF STATE.<sup>b</sup>

Legation of Texas  
Despatch No. 6

PARIS July 26th. 1839

To the Honorable  
The SECRETARY OF STATE  
SIR

On the 16th. Instant I dined with the Marshal Duke of Dalmatia, Minister of Foreign Affairs and President of the Royal Council, and after dinner I took occasion to speak to him on the subject of the recognition of the Independence of Texas. He does not speak English and on that occasion I availed myself of the kindness of the Marquis Rumigny the French Ambassador to Spain who speaks English perfectly and whom I had previously enlisted in behalf of Texas. I commenced the conversation relative to Texas by asking the Marshal whether or not he had received the report of the Agent which his predecessor Count Molé had sent to Texas to enquire into and report upon her situation etc. He answered in the affirmative. I then referred him to the several communications which I have heretofore addressed to Count Molé in which are set forth the grounds upon which Texas claims to be recognized by France. I begged him to remember

<sup>a</sup> Here is omitted a paragraph relating to Henderson's salary.

<sup>b</sup> L. S.

that more than a year had elapsed since I first laid the claims of Texas to recognition before the French Government, and that nearly ten Months had passed since Count Molé informed me that he had in pursuance of the Kings order directed that Agent to proceed to Texas—that the Count had at the same time intimated to me that it would be agreeable to His Majestys Government if I would not leave France as I then intended, but await that Agents report—that he had at the same time promised to give me a definite answer to my application for recognition as soon as it should be received—that with that understanding I consented to remain—that having fulfilled my part of the engagement, I then felt myself at liberty so far as the Government of France was concerned, and bound in duty to my own to urge a decisive answer upon that point. The Marshal replied to all this by assuring me that he had every disposition to act in the case as soon as possible—that he had directed M. Saligny<sup>a</sup> to come in person to Paris—that he daily expected him to arrive—that his own time was entirely occupied with domestic affairs of State and would be so for eight or ten days more, about which time he expected the two Chambers would adjourn and that he would then take up the subject of my application.

Our Conversation was then interrupted, and as I had not conversed with him as fully as I desired and intended, I sought a second opportunity the same evening and was aided by Mr. Hughes Charge des Affaires of the United States to Sweden, as interpreter, who speaks French correctly and who has taken great interest in the cause of Texas both here and in England by liberal and just representations of her importance etc. I then said to the Marshal, that in addition to what I had already said to Count Molé in favour of the recognition of the independence of Texas, I begged leave to add with all due deference, that France never had, nor could she ever expect to enjoy a just share of the trade and good will of Mexico—that no other Nation could expect to reap any great benefit by their intercourse with Mexico so long as England continued to possess the influence which she has heretofore possessed and exercised in that Country to the prejudice of all other nations—that the recent chastisement which France found it necessary to inflict upon Mexico would not be soon forgotten and would strengthen the influence of England in that quarter—that Policy would seem to dictate that France should do every thing to encourage a division of that Country, the more especially when by such division, a part of it would fall into the hands of a People free from such prejudices and influence—that the Government and People of Texas were more disposed to favor the French than the English Nation whom they in some degree regarded as the protectors of their Enemy Mexico—that

France by taking the lead of all their European Nations in recognizing Texas and forming a commercial treaty with her, would engage the affections of our People and draw the trade of Texas to herself which could not easily be diverted from her, even though England should hereafter hold out greater advantages—that the commercial arrangement which I had already had the honor to make with the French Government, though entirely liberal in its stipulations and satisfactory under the circumstances and highly creditable to the wisdom and liberality of the French Government was not likely to satisfy the People of Texas—that although it secured to the Ships, Cargoes and Citizens of Texas every facility and advantage in the Ports of France which are, or may hereafter be enjoyed by the Nation the most favored, yet inasmuch as under the present state of affairs Texas could not have the benefit of Consuls in France whose authority to protect the interests and trade of her Citizens would be recognized by the French Government, her Merchants and traders would not feel themselves and property fully protected in French Ports, and consequently would continue to seek a Market in the United States where every such protection was offered, altho they might find the trade to that Country less profitable. The Marshal then asked me some questions concerning the nature of the commercial arrangement which I had alluded to, as having been made with Count Molé, which convinced me that he was entirely ignorant of it. I explained it fully. He observed next, that he would take the earliest opportunity to examine the whole matter and see if that agreement needed extension or amendment, and that we might make that the basis of a more formal Treaty. I replied that all I desired was to put that agreement (which is sufficiently comprehensive) into the form of a complete Treaty between equal and independent Powers. I also hinted to the Marshal that if his time was too much engaged, that it would be agreeable to me if he would authorize Mr. Pontois the French Minister to the United States, now in Paris on leave of absence, to negotiate with me on the part of the French Government. He rejoined that he supposed that me done,<sup>a</sup> and then asked what were the nature and extent of my powers. I replied that I was doubly commissioned—first as Agent to solicit the recognition of the Independence of Texas, and secondly as Envoy extraordinary and Minister Plenipotentiary with full powers and instructions to treat of and concerning amity, commerce and Navigation and that I would lay my Credentials before him at any time which would suit his convenience, He rejoined that what I had said was perfectly satisfactory in that respect, and further observed that he would be glad if I would see and converse

<sup>a</sup>The words intended here probably are "might be done."

with M. Pontois who would be fully authorized on the part of France to act in the negotiation of a commercial Treaty and that recognition would follow as a matter of course. I then took leave of him and on the 18th, I called on M. Pontois according to previous appointment, and informed him of all that had passed between the Marshal and myself and asked him if he had seen or heard from the Marshal since my conversation with him. He replied that he had not—that he had called at the Foreign Office to see him the day previous, but he was too much engaged to see him. I then observed that I was aware that he could do nothing in the business *officially* until he was formally authorized by the Marshal—that inasmuch as I knew he would be commissioned to act in the business I wished then to speak to him freely on all subjects connected with the Negotiation, and that until he should be so authorized, we would regard all that passed between us as unofficial—to which he readily assented. I then observed that inasmuch as the first step to be taken in the negotiation was to examine our relative Powers, I would then lay before him my Credentials and Commission. After he had read my Commission as Minister etc. and my letter of Credence to the King, he observed that they were signed by Genl. Houston who he believed was no longer President of Texas. This objection I had anticipated and accordingly wrote last winter to the Secretary of State several times requesting him to forward to me a new Commission and Credentials from the *present* Executive of Texas, but as no attention has been paid to that request, I was compelled to assert the sufficiency of those I hold.

Accordingly I replied to that objection that I was aware that in all Monarchical Governments the authority of its officers expired with the Monarch, and that in all such instances it is necessary that the newly invested Sovereign should recommission the Ministers appointed by his predecessor—that the reason of this rule is, that every Foreign Minister represents the Sovereignty of his Country—that the Minister of a Monarchical Government represents the *person* of its Monarch and *therby* its Sovereignty—that when that Monarch dies, there is a complete and entire change or transfer of the Sovereign power from one person to another who may not choose to be represented by a person chosen by his predecessor; but that in all Republics the *People* hold the sovereign power, who never die, and consequently there can be no change or transfer of sovereignty—That the President of Texas not having the sovereign power invested in him, but being confined by the Constitution to specific limited powers cannot bring his Foreign Ministers under the above rule—that Constitution only gives him power to remove from office, Ministers appointed by his predecessor, and until he actually *exercises*

that power, all those whom he found in office can rightfully continue to discharge their functions. He then expressed himself entirely satisfied on that point, but observed that he should feel himself bound nevertheless to mention the circumstance to the Minister of Foreign affairs. I begged him to repeat to him at the same time what I had said in support of my commission and, which he assured me he would not fail to do. I am fully persuaded that my powers are regular, but nevertheless I regret that I have not been furnished with such as would have been *indisputable*. Mr. Pontois then observed that the negotiation might be attended with some difficulties. I replied that he would much oblige me by intimating the points on which he apprehended difficulties might arise, that I might be able to meet them. He rejoined that the subject of Slavery was what he chiefly alluded to; I without allowing him to proceed further observed that so far as the Slave trade with Africa was concerned in his objection either directly or indirectly, I felt myself as the representative of Texas bound to satisfy every anxiety or enquiry of France—that I would assure him that Texas was as anxious to prevent that traffic as France—that the Constitution expressly prohibited it either directly or indirectly—that no negro or Mulatto Slave can be brought into Texas except from the United States of North America, and that when brought from that Country, they must have been slaves according to its laws, and inasmuch as the United States have entirely suppressed the African slave trade so far as her own Citizens are concerned the laws of Texas prevented the possibility of increasing the number of Slaves in the World under her policy—that their location might be changed, but their number cannot be increased. This much, I continued, I was bound to say in relation to Slavery in Texas, because so far perhaps, other Nations had a right to enquire—But beyond that I would not travel—that so far as regards Slavery as it really exists in Texas, it is exclusively a question of domestic policy with which no Foreign Nation had any right to interfere, and that I wished him to understand me distinctly on that question, and to say to Marshal Soult that I will not even discuss that question any more than I would discuss any other question of domestic policy. He then said he wished to explain—that he wished me to understand him distinctly on this point—That the King had no disposition to interfere with the institutions of Texas, and that so far as Slavery is concerned, he had had a conversation with His Majesty upon that subject, and that he positively declared that it was a question that did not concern him or his Government; but Mr. Pontois observed that there might be some objections raised in the Cabinet on the question, and that he was happy to hear the explanation which I had given on the subject of the African Slave trade,

which he thought ought and would satisfy every prejudice which might be raised against the recognition and Treaty with Texas, and that he would not fail to inform his Government of what had passed between us on the subject. I presume that he alluded to M. Passay the Minister of France who is a warm abolitionist. He then said that France wished to act with England on the question, and then observed that Lord Palmerston in the British Parliament had recently declared in answer to some questions propounded by Mr. O'Connell that he had entered into no arrangement with Texas. I replied that he was mistaken—that the interrogatories put by Mr. O'Connell only related to recognition and Slavery—that Lord Palmerstons answer only embraced those two points, and that he would find in the Foreign Office a Copy of the arrangement I had entered into with England, as I had sent one to Count Molé last fall. I further observed that England would recognize as soon as France took that step, as it would be a sort of shield against the attacks of the abolitionists of that Country—that the British Ministry are convinced that Texas is entitled to recognition, but that they dare not recognize for fear of offending the O'Connell abolition party who now in fact control that Government. He agreed that there was much truth in what I said. I also said to him that I hoped France would disregard every thing but the justice of the claims of Texas, and her own honour and interest, and not wait for the action of England.

Mr. Pontois then observed that he thought France ought, and would be disposed to treat with Texas on all subjects in the same spirit of liberality which characterized the treaties between France and the United States. He also spoke of being disposed to establish even a more free and liberal intercourse between Texas and France. I did not reply directly to the latter part of his speech, as I supposed he might allude to a reduction of the Tariff of Texas on French wines and silks, and also as I desire things to approach as near to a summation as possible before any difficulty is raised.

Therefore I replied in vague terms that Texas only wished to establish an intercourse upon terms of equality and reciprocity, and that she would willingly give to France every advantage and privilege in trade and navigation which she would extend to any other Nation. He also said that from what had already passed between the King, the Minister of Foreign Affairs and himself he thought that the course which the Marshal would propose would be to make the treaty of amity and commerce the same act with recognition. I replied that I would prefer the King to recognize Texas as an Independent Nation first, that I might enter upon the negotiation with France as the representative of an equal power—that I was

sure France wanted nothing more than Texas is willing to grant—that if recognition and the treaty of commerce were one and the same act, it might seem that Texas entered the Negotiation under some Restraint, and that France had extorted from her a grant of priviledges which she would not have given after she had been recognized as an equal; and that I would not yield a priviledge *before*, that I would not grant with equal freedom *after* recognition by France. He promised to mention my request to Marshal Soult when he saw him next.

On the 22d M. Pontois called at my house to inform me that he had seen and conversed with Marshal Soult upon the subject of negotiating a treaty of Commerce with Texas, and that the Marshal had authorized him to see me and discuss the several points relative thereto, without making any distinct propositions, because he had not had time to take the opinion of the rest of the Government and more especially the Minister of Commerce whom it was important to consult upon the commercial points of the Treaty. I replied that I had no objections to discuss the matter in a frank and Candid spirit. I however asked him first to inform me how the Marshal had received my proposition to the effect that the King should recognize Texas by receiving me in form as her Minister, and then enter upon a negotiation of a Treaty. He answered that the Marshal said that it *might* be done as a seperate *article* or act (which shows that the Marshal knows more of war than diplomacy.) Mr Pontois however then explained to him fully the reasons and objects of that proposition as I gave them to him in our previous interview. The Marshal chose to reserve that point also as a Cabinet question. I again begged Mr. Pontois to say to the Marshal, that I would not *insist* on that course, but I *preferred* it as a personal gratification, as well as for the reasons heretofore given. He promised to do so and then entered into a long detail of what he would advise, and what he thought the French Government would expect by the Treaty, in which he mentioned the subject of French Wines and French Silks (as I had anticipated) and said that France would be much benefitted by securing by the Treaty the liberty to enter her wines and silks in Texas upon the same generous footing that they are now received in the United States. (The latter pay no duty and the former barely a nominal tax in the United States.) He also said that he would try to gain the consent of the Minister of Commerce to make the vessels of Texas enterable in the Ports of France as National vessels provided Texas would reciprocate.

All that he said on the above points more fully convinced me of the necessity of obtaining recognition *before* we enter upon a discussion of the details of a Treaty of Commerce; because I now apprehend

that the propositions of the French Government upon the above points will be such as would too materially affect the revenue of Texas to make them allowable.

I therefore replied in vague and general terms so as to satisfy him as well as possible, without committing myself upon any one point. He then took his leave promising to call on me as soon <sup>a</sup> an opportunity to consult the Cabinet and give me their decision upon the different points involved, and added that several days might elapse before he could take their sense upon the subject, as they would be very much engaged until the Chambers adjourned which would be, he hoped, in a few days.

During our conversation Mr. Pontois asked me what duties Texas at present levied on French Wines and Silk. I replied that I did not recollect precisely, as some time had elapsed since I had had occasion to look over the Tariff laws of Texas. I promised to inform him at our next meeting. I do not believe that I have ever seen the Tariff law as passed by Congress since I left home. I am not informed that there has been any alteration in the law since that time except by *hearsay*. No such amendment has ever been forwarded to me by the Government. I have written to London to the only two persons in Europe, who it is probable can furnish me with a Copy of that law.

I am apprehensive that this Government will insist upon making recognition and the Treaty of Commerce the same act, as their precedents are all in that way. Should that be the case, recognition may be delayed by a lengthy discussion. I am aware that the President in his Message to Congress last winter recommended a free commercial intercourse with Foreign Powers, but I am not aware that he wished that system to be adopted at this time when Texas has so much need of money: nor do I believe that Congress would be pleased to see the Tariff law repealed in any important feature by a Treaty. These difficulties I must combat when they are fairly put at issue. I have given you the above conversations in detail that you may be able to draw therefrom your own conclusions.

I regard the question of recognition by France as settled—they have *consented* to recognize by Treaty—they *may* recognize as I propose.

In any event, the first grand object of my mission you may now regard as settled favorably to the views of Texas. Indeed it is no longer a secret here with the Government that the King has determined to recognize, as it is spoken of publicly at Court, and generally in the Diplomatic Circles.

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<sup>a</sup> One or two words torn out.

I send this Despatch by the Liverpool Steamboat via. England, as I wish you to have the news of my progress in the most speedy manner, and as frequently as possible.

I have just *accidentally* heard of the arrival of Mr. Burnly in England, and that Genl. Hamilton will not arrive for several weeks.

I have the Honor to be

Sir

Your Most obedient  
Humble St

J PINCKNEY HENDERSON

HENDERSON TO SECRETARY OF STATE.<sup>a</sup>

JULY 26TH 1839

DEAR SIR

I forward to you at the same time with this a despatch containing a full detail of my negotiations with the French Government and by which you will discover that the King of the French has *agreed* to recognize the Independence of Texas but proposes to do so by a Treaty of amity and commerce. I have proposed that the King shall *first* recognize by receiving me as the accredited minister of Texas, because we can then enter upon the negotiation of a Treaty as *equals*, otherwise (I have said to them) it may appear that France wished to take advantage of the desire of Texas to be recognized by a leading European power to *force* from her terms which she would not otherwise grant. I also said to him that I would not make that a "*sine qua non*" but that it would be more acceptable to Texas and would also gratify me personally. That proposition is still before the Ministry. To save time we have been discussing vaguely the articles or terms of a Treaty. I have assured them that I will not<sup>b</sup> before that I will not give *after* recognition. The Government here no longer keep it secret that they have determined to recognize Texas—it is talked of openly at Court and in political circles. Mr Pontois the French Minister to the U. S. is the *great* friend of Texas. He has taken much interest in her cause since his return to Paris which entitles him to her gratitude. Genl Cass the American Minister has acted well in the matter Marshal Soult does not speak english nor do I speak French well enough to hold an important conversation I have therefore been compelled to have an interpreter. Mr Hughes Charge d' affairs of the U. S. to Sweden has kindly on several occasions acted in that capacity and on all occasions spoken properly of Texas and kindly of myself I speak of these things in

<sup>a</sup> A. L. S.; indorsed "Recd. and forwd. by Y. O. S. [Your Obedient Servant] C. H. Forbes V. C. T. [Vice-Consul of Texas] N. Y." Who was acting Secretary of State at the time does not appear with certainty.

<sup>b</sup> Several words obliterated.

justice to those gentlemen. Mr Pontois will I presume be the person commissioned to negotiate the Treaty on the part of France. I hope in my next to inform you that every thing has been settled here to the satisfaction of Texas. I have understood that Genl. Hamilton [will not<sup>a</sup>] arrive in Europe for several weeks I also learn that Mr Burnley is now in Liverpool. I write in great hast and have directed the Texian Consul at New York to send this letter by express mail the dispatch is too heavy to send in that way and will come by the Steam mail

Truly Yours etc.

J PINCKNEY HENDERSON

CASS TO HENDERSON.<sup>b</sup>

HENDERSON TO SECRETARY OF STATE [BURNET].<sup>c</sup>

Llegation of Texas  
Despatch No. 7

PARIS August 5. 1839.

To the Honorable  
The SECRETARY OF STATE

SIR

I have the honor herein to send you the Copy of a letter which I have just received from Genl. Cass the Minister of the United States at this Court. Hearing that the King of the Belgians had arrived in Paris a few days since, and believing that it would be advantageous to Texas to obtain recognition by his Government and to form a commercial treaty with it, I Requested Genl. Cass to mention the subject to him, if he should have an opportunity without intimating to His Majesty that I had requested him to do so, inasmuch as I had no authority from my Government to apply to him for that purpose. The Result of that enquiry by Genl. Cass you will learn best by the following letter

[Confidential]

Légation  
des Etats Unis

PARIS 3d August, 1839

DEAR SIR In addition to what I mentioned to you verbally, that instructions were now making out in the Department of Foreign Affairs, authorizing Mr Pontois to enter into negotiations with you for the formation of a Treaty, and the recognition of your Inde-

<sup>a</sup> Two words obliterated.

<sup>b</sup> August 3, 1839. See Henderson to Secretary of State [Burnet], August 5, 1838.

<sup>c</sup> A. L. S.

pendence, there is another circumstance which I think it is best to state to you in this letter. I had on Sunday evening last a long conversation with the King of the Belgians respecting Texas, in which he evinced much knowledge of the Country and seemed sensible of its importance. I am well satisfied from the tenor of his remarks that he has been looking with interest to your Condition, and is aware that a commercial intercourse between Texas and Belgium may be highly useful.

Mr Pontois to whom I mentioned this circumstance, told me, there was no doubt, but that the recognition by France would be immediately followed by that of Belgium. Under these circumstances it appears to me, that if you have not already received from your Government, the full powers necessary to enable you to enter into negotiation with the various European States, you had better apply for them without delay.

The singular declaration of Lord Palmerston in the House of Commons respecting the difficulty in the way of your recognition by England, makes it doubtful whether the English Government have the real intention to act favorably upon the Subject within a reasonable period. There is something in his allusion to the Slave Trade carried on by Texas which I cannot understand; especially as it is well known you have no concern with any such trade, and as the true objection is to that feature of your internal administration which admits slavery, and with which other Nations have not the right and ought not to assume the privilege of interfering.

In this state of things it is your interest to procure the Recognition of the other European States as fast as possible, in order that England may yield to the public opinion of Europe what perhaps she would not yield without considerable delay to your application only.

This letter is confidential, but if you think it necessary, you are at liberty to send a Copy to the Secretary of State of Texas, enjoining him to communicate its contents to the President only.

I am dear Sir

With great regard, respectfully

Your obedient Servant

(Signed)

Lew. Cass.

General HENDERSON

*Minister of Texas*

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In addition to that which is contained in the above communication, Genl. Cass verbally informed me that King Leopold asked him if I

had powers to apply to him for recognition etc. doubtless intending thereby to intimate that he would recognize and treat with Texas if I would apply to him with proper powers.

With all due deference, I would suggest the propriety of appointing a special Envoy etc. to treat with the different Powers of Europe which have not been yet applied to for the recognition of Texas, and for commercial priviledges. Whether it would be most proper to appoint one or more Ministers especially for that purpose, or to extend the powers of the Minister of Texas in Paris or London to that effect, His Excellency the President can best judge. Perhaps the Minister here or in London could not attend well to so much business. Moreover some of the Powers might require such an application to be made directly at their own Court; therefore I have given it as my opinion that it would be best to establish a separate mission of it. Texas must seek a Market for her sugar foreign from the United States, France, or England, all of which have either their own domestic, or the sugar of their Colonies to protect. The other Powers of Europe, Spain Excepted, raise but little sugar, either at home, or in their Colonies; and Texas may secure the priviledge of a fair competition in their Markets. Belgium consumes thirty millions pounds of sugar, five of which only is beet root. A large part of the other 25 millions Texas may supply, provided she can produce as cheap as any other Country. Russia, Prussia, Austria, Holland and the German States will each be of importance to Texas as Markets for her Sugar. I therefore hope that His Excellency the President will receive my suggestions in Relation to this business, kindly.

I had an interview yesterday with Mr Pontois upon the pending Treaty and recognition. He informed me that his Government still insisted on recognizing by Treaty, as all of their precedents are that way, and I acquiesced. He discussed more minutely the different matters which we desired to touch upon in the treaty. I find that I shall be compelled to agree to some reduction of the duties now imposed in Texas upon French Wines and Silks, but France will make in return a reduction of their duty on Texas Cotton. Mr. Pontois was not able to say precisely what that reduction would be, and therefore I made no proposition in regard to the reduction I would be willing on the part of Texas to make on French Wines and Silks.

He informed me that he had asked the Ministers of Finance and Commerce to consent to a certain reduction of duty, and that he expected the answer on that day, together with complete and definite instructions from the Minister of Foreign Affairs; after which I hope we shall soon complete the Treaty.

When we separated, Mr. Pontois expressed himself well pleased with all that had passed between us.

I sent forward to you some days since a long Despatch, No. 6. by the Liverpool Steam ship via England which I hope will Reach you in due time.

I have the honor to remain

Your obedient and  
very humble Servant

J. PINCKNEY HENDERSON

BURNET TO HAMILTON.<sup>a</sup>

DEPARTMENT OF STATE

*Houston 10th August 1839*

To Genl

JAMES HAMILTON

SIR, It has devolved upon me just as the Steamer Columbia is about to leave, to say to you that the President does not feel himself authorized to sanction the advances you propose to make in relation to the French negotiation. But he directs me to say that whatever expenses may be profitably incurred in procuring an early negotiation, if made manifest to this Government, will he has no doubt, be acceded to and protected by the Congress. I regret that my time is so short, that I have only to add, the high consideration with which

I am, Your Most  
Obedient Servant etc.

DAVID G. BURNET.

LAMAR TO THE KING OF THE FRENCH [LOUIS PHILIPPE].<sup>b</sup>

[Letter of credence for J. Pinckney Henderson as envoy extraordinary and minister plenipotentiary of the Republic of Texas to France.]

HENDERSON TO BURNET.<sup>c</sup>

PARIS August 20th 1839

Excellent

SIR

I received your communication as acting Secy of State dated Houston 16th June last, a few day since. It is the first despatch I have

<sup>a</sup> See Records of Department of State (Texas), Book 38, pp. 121-122. This letter was apparently in answer to Hamilton and Burnley to Lamar, June 22.

<sup>b</sup> August 19, 1839.

<sup>c</sup> A. L. S.; indorsed "Recd. and forwarded by Y. O. S. [your obedient servant] C. H. Forbes V. C. T. [Vice Consul Texas] N. Y."

received from the Govt. for more than six months. I have noted its contents. My negotiation here has until lately been progressing slowly but satisfactorily but there has been evinced within the last few days a disposition on the part of the French negotiators to delay the business—perhaps it is with a view of finding out whether or not Genl. Hamilton who arrived in England a few days since has any additional instructions for me from the Govt. which will enable me to give them any more favourable terms. I am induced to believe that such is the case from the fact that that disposition has been evinced only since the arrival of Mr Saligney who observed a few days since in the presence of Mr Pontois and myself when we were discussing the different unsettled points of the Treaty that “he knew that I *could* grant the favours which the French Government asked; because the President of Texas had told him that he was anxious to enter into a Treaty with France and was willing to grant such and such favours and that he (Mr Saligney) doubted not that Genl. Hamilton had such authority or instructions for me as would enable me to comply with their wishes and that he had written to him that morning that it was absolutely necessary for him to come to Paris without delay.” I was not pleased at that speech of Mr Saligney but reflecting that I was not acting for myself in this business and that a diplomatist ought *never* to evince the slightest anger in the discussion of a Treaty I contented myself by assuring him that he <sup>a</sup> had no such instructions for me or he would have informed me of it long since as he knew that I would be engaged ere this in discussing the Treaty and moreover I informed him that your despatch did not mention that such was the case. To which they made no reply but I saw they were not convinced of my candour. I hope Genl. H. will come to Paris without delay as that alone will satisfy them that I have been candid with them

At our last interview Mr Pontois insisted upon a reduction upon French Brandies and what is called here “Paris articles” such as ready made clothing, shoes, hats etc. etc. To the reduction on the latter articles I most positively objected on the ground that it would injure the revenue of Texas and would do France no good as I should be compeled to make the same reduction on English goods of that kind if she treated with me and more over that the reduction which I had agreed to make on French silks and wines was a sufficient *quid* for the *quo* which France granted by the reduced duty on cotton. As regards Brandies I had always refused to consent to any reduction of the present duty not less on the score of morality than revenue, but Mr P. said that he had consulted several strong interests since he last saw me and that he was convinced that any treaty which the Govt. might make that did not do something for the French

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<sup>a</sup> That is, Mr. Hamilton,

Brandies would be unpopular with the Chambers because that interest is strongly represented there. And after duly considering the matter and believing Mr P. sincere in his expressions of that fear I consented that the duty on French Brandies should be reduced one fifth which satisfied him on that point. But he did not seem to desire to close the negotiation definitely on any point and seeing that; I determined not to urge the business again until Genl. Hamilton arrives so that they may be sure I have received whatever he has for me. And should they find me firm in my present position after Genl. H. arrives I cannot doubt (judging from appearances before the arrival of Mr Saligney) that they will accept of my proposals and that all will be completed in a few days. I will soon write you again and more fully.

I have the honour to remain

My Dear Sir yours very truly

J. PINCKNEY HENDERSON

To His Exclcy.

D. G. BURNET

*etc. etc. etc.*

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SOULT TO HAMILTON.<sup>a</sup>

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TREATY OF AMITY, NAVIGATION, AND COMMERCE BETWEEN FRANCE AND  
TEXAS.<sup>b</sup>

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HENDERSON TO JONES.<sup>c</sup>

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DUKE OF DALMATIA TO "MINISTER OF FOREIGN AFFAIRS" OF TEXAS  
[BURNET].<sup>d</sup>

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[Letter of credence for M. de Saligny as chargé d'affaires of France in Texas.]

<sup>a</sup> September 12, 1839. See Calendar.

<sup>b</sup> Signed by J. Pinckney Henderson and M<sup>me</sup>. (Maréchal) Duc de Dalmatia (Marshal Soult), September 25, 1839; see Gammel, *Laws of Texas*, II, 655-662; *House Docs.*, 28th Cong., 2 Sess., III (Serial No. 465), pp. 5-11. The original is in English and French in parallel columns. Just how and when this treaty reached the Texan government does not appear with certainty from the correspondence. See Henderson to Secretary of State, October 16, 1839. The archives contain also an engrossed copy of the treaty bound in velvet which was presented to the government of Texas when the ratifications were exchanged. This copy is signed by King Louis Philippe, and the signature is attested by the Duke of Dalmatia.

<sup>c</sup> September 27, 1839. See Calendar.

<sup>d</sup> L. S., October 2, 1839.

RATIFICATION BY KING LOUIS PHILIPPE OF TREATY WITH TEXAS.<sup>a</sup>

[Declaring the treaty approved, ratified, and confirmed.]

HENDERSON TO SECRETARY OF STATE OF TEXAS [BURNET].<sup>b</sup>

Legation of Texas

at Paris.

Despatch No.

LONDON October 16th. 1839.

To The Honorable

The SECRETARY OF STATE

SIR

In my last despatch, I gave you all that had passed up to that date between Marshal Soult, Mr. Pontois and myself on the subject of the negotiation then pending between us. Soon after my last despatch was forwarded to you, Mr. Saligny, the Agent who had been sent by France to Texas, arrived in Paris. He had sent forward his report, which Marshal Soult had previously informed me was quite favorable to Texas.

I found however immediately upon the arrival of Mr. Saligny, that the French Government changed its views in regard to the terms of the Treaty. In the outset, Mr Pontois had said to me, that France would be willing to reduce the duty on Texian Cotton one fourth, provided Texas would make an equivalent reduction in her Tariff. Founded upon that consideration, I proposed to reduce the duty on French wines two fifths and one half on French Silks. I had refused in the outset to consent to reduce the duty on Brandies; but at a second interview with Mr. Pontois, he insisted so strongly that I should consent to some reduction however small, in order to secure the support of certain Members of the Chamber of Deputies to the step, Government was about to take in recognizing Texas, that I consented to a reduction on that article of one fifth. At the termination of our interview when the conversation as above related took place, Mr. Pontois expressed himself well pleased at what had passed between us. We met in a few days after that date, and after Mr. Saligny's arrival. He was present, and when Mr. Pontois made new demands upon me, which was, to reduce the duty on French Goods not included in our first agreement, and I objected, Mr Saligny said "that he was sure, that I had the power to consent to do so, because most of the officers of the Government of Texas had assured him during his stay in that Country, that Texas would be willing to make all such reductions, provided France would recognize." To which I

<sup>a</sup> October 2, 1839 (copy). This copy is filed with the treaty and was doubtless transmitted with it.

<sup>b</sup> A. L. S.

replied, that I had no such instructions and that I must act according to my written authority, and not in compliance with any information which might be conveyed to me through another channel. I firmly rejected Mr. Pontois's proposition in that respect, and we parted. Some little interruption took place about this time in the negotiation, caused by some information which I received from Genl. Hamilton (which I have heretofore explained in a letter—first, to Genl. Johnston Secretary of War, and —Secondly, to the President.<sup>a</sup>) In the mean time, Genl. Hamilton arrived and explained all. Upon his arrival, Mr. Pontois harped much upon the importance of recognition by France, in order to aid Genl. Hamilton in his negotiation of the Texian Bonds. I also considered it important in that point of view, and was much strengthened in that opinion by my first interview with Genl. Hamilton; but I did not feel willing to *pay* for recognition, even in order to accomplish the important business of a loan. I soon discovered however that the French negotiator was determined to take advantage of that, as well as all other circumstances in order to force me to grant the most advantageous terms to France.

On the occasion of our next interview, Mr. Pontois informed me "that he had been mistaken in the quality of our Cotton, and that the Ministers of Finance and Commerce would not consent to any reduction." How he could have been mistaken in the quality of our Cotton, or how such a mistake could have influenced the French Government on that point, I am at a loss to know; because I told Mr. Pontois at our first interview, that the Texian Cotton was better than any raised in the United States, except the Sea Island. Moreover the duty upon Sea Island and Upland Cotton is the same in France. Therefore I am convinced that it was only an excuse to avoid making the promised reduction because Mr. Saligny assured them, that from what he saw and heard in Texas; I was authorized, and would do all I had proposed to do, without such concession on the part of France. When Mr. Pontois informed me that his Government would not consent to make the promised reduction on Cotton, I told him, that inasmuch as all of my propositions had been founded upon his proposed reduction upon that Staple article of Texas, we must commence *de novo*. He insisted most strongly on holding me to my first proposition, but I determined not to consent to it. He then assured me that unless I did consent to the reductions I had proposed, he would yield up his powers to Marshal Soult, as he was sure no other terms would be accepted by the Ministry. Nevertheless I still determine not to yield. I then seperated from Mr. Pontois, and had a conversation with Genl. Hamilton, on the situation of Texas and the importance of recognition by France, so

<sup>a</sup> These letters have not been found.

far as the negotiation of the Bonds he had in charge was concerned. Genl. Hamilton seemed to think that every thing depended upon the success of my negotiation with France, and advised me most strongly to make the reductions I had first proposed, notwithstanding the French Government refused to carry out the proposition made by their representative. I was induced mainly by the above consideration to consent to make the reduction which the French Government insisted on, rather than delay the matter until I could write home for the advice of the President.

You will see that the article of the Treaty which provides for the reduction of the duties on Wines and Brandies stipulates, that if Texas shall hereafter reduce the duty on similar articles of other Countries, then, there shall be made a corresponding reduction on the French Wines and Brandies—freely, if the reduction is freely made, and by France paying the same compensation, if the reduction is conditional. I consented to that provision upon mature reflection for two reasons. In the first place, England and all other European States whose recognition is at this time much desired by Texas, have no such articles to export, and consequently such a stipulation cannot embarrass Texas in her negotiations with them. In the second place, I saw that nothing would be more easy than to destroy the whole advantage, which France hopes to receive by that provision, in case Texas shall hereafter find it necessary to treat with any Country which does produce Wines and Brandies.

Suppose for instance that Texas wished to make a Treaty with Spain; and that Spain required her to make a reduction of duties on her Wines and Brandies. It would only be necessary to set forth in the Treaty, that in consideration of Spain permitting the Cotton of Texas (an article of which she does not import a pound) to be sold in her Ports without duty, or at a very small duty, Texas consents to Reduce the duty on Spanish Wines and Brandies. Or suppose in treating with Austria, that a reduction is made on her Wines in consideration of a reduction being made by her on Texian Sugar. Either of these provisions would defeat the whole benefit which France desired to secure by that Article, as France is forbidden by her Beet root Sugar system to reduce the duty on Foreign Sugar, and her revenue system on the other hand would prevent her reducing the duty on Texian Cotton. I refused to extend the same provision to French Silks, (as you will see by the Treaty) because that would have embarrassed Texas in her negotiations with England, as she also, manufactures Silk. With these views, I consented to that article which at first seemed too important an advantage to be given for recognition alone.

The object of adopting the "additional Articles" is to enable Texas to conceal from other Nations that she has consented to require any

other qualification for her vessels than that of being owned by a Texian Citizen, so that they may not be induced to require a similar qualification.

I had hoped in the beginning that France would require no such qualification, and I had considerable difficulty in making as good terms for the vessels of Texas as those contained in the additional Articles. The French Government insisted most strongly, that no vessel of either Nation should be considered as a National vessel, and entitled to carry on a direct trade between the two Countries, unless she should have been *built* in the Country to which she belonged and three fourths of her Crew were Citizens of the same. With such requisitions, I knew, Texas could not for many years carry on any part of the direct trade and therefore I informed Mr. Pontois, that if France insisted on that condition, the Treaty must be broken off, or at least delayed until I could take the opinion of my Government on the subject, and that I would certainly advise her not to make such a stipulation. When he discovered that I was firm in that determination, he consented to the modification as contained in the additional Articles. Under that agreement, I am disposed to think that Texas will do most, if not the whole of the carrying trade—First, because the vessels of France engaged in Foreign trade are too large, and draw too much water to enter our Ports, and Secondly, they are wanting in enterprise, and never have been able to compete with Americans in the carrying trade. I insisted on having the Treaty written and Signed in the *alternate*, a matter which I considered of importance only in treating with European Nations, where such matters of form are considered as matters of substance. Moreover, this being the first Treaty made by Texas, it will serve as a precedent in all future negotiations. I also insisted on inserting in the clause which refers to the exchange of ratification, that it might be done in Austin. Marshal Soult also promised me, that he would send a person to Texas without any unnecessary delay to attend to the exchange of ratification, and to Reside near the Government.

A few days after the conclusion of the Treaty with France, I received an intimation from Count Leon the Belgian Minister, that he would be glad to have an interview with me, on the subject of a Treaty between Texas and Belgium, which I of course readily consented to. Accordingly I called at his residence, and in the outset told him, that I had no power from my Government to act in the business, and that therefore, what passed between us must be considered as unofficial. I at the same time informed him, that I had written to my Government, and advised them to appoint a Minister to proceed to Belgium for that purpose, which I doubted not they would do. He then informed me, that he had received from his

Government, full power to treat with me in Paris, and expressed his desire to have the honor of making the first Treaty with Texas. I replied that my only reason for recommending to my Government to appoint a Minister whose duty it should be to proceed to Belgium was, that I thought it would be more acceptable to Belgium, because that would seem to be the most respectful course; but that inasmuch as he had received full authority to act in the business from his Government, I would write to my own, immediately upon my arrival in London, and recommend them to give their representative at Paris authority to enter into a treaty with Belgium. After I had had a free and very full conversation with the Count on the subject of the intercourse between the two Nations, I was so much pleased with his frankness, intelligence and liberality, that I assured him that I would immediately communicate all that passed between us to my Government, and recommend them to authorize their Minister at Paris to enter upon a negotiation with him.

During our interview (which lasted about two hours) Count Leon explained to me the Tariff of Belgium, which is the most moderate in Europe. The duty, for instance on Foreign Sugar, imported direct in Belgian, or the vessels of the State where it is raised, is only about thirty Cents on 100 Kilogramms (about 200 pounds). It seems to me that the advantage Texas would receive from finding such a Market for her sugar alone, ought to be sufficient to make her anxious to enter into a Treaty with Belgium.

I said to the Count that all Texas desired, was to make a Treaty upon reciprocal terms. He observed in reply, that Belgium only desired to have her Commerce with Texas placed upon the terms of the most favoured Nation, and that she would extend the same favour to Texas. I replied, that nothing I was sure, could be more acceptable to the Government and People of Texas; and with one who entertained such views, the Representative of Texas would find no difficulty in Treating. I am persuaded that I could have entered into a Treaty with Count Leon, even without any powers from my Government, with the understanding that it was made without authority—to be kept a perfect secret, and subject to the approval of the President and ratification of the Senate; and I would have made the proposition, but I feared the President would have considered it as presumptuous in me to enter into a Treaty, not only without instructions, but without a commission. I will see the Count again when I return to Paris, which it is probable I shall do in the course of ten days.

I am Sir

Your Most obt.

and very humble Servant

J. PINCKNEY HENDERSON

CERTIFICATE OF EXCHANGE OF RATIFICATIONS OF TREATY OF AMITY,  
NAVIGATION, AND COMMERCE BETWEEN FRANCE AND TEXAS.<sup>a</sup>

LIPSCOMB TO HAMILTON.<sup>b</sup>

DEPARTMENT OF STATE  
Austin 24th Feby 1840.

To

Honl JAMES HAMILTON

SIR,

Since the arrival of Mr Saligny and the exchange of Ratifications of the Treaty between his Government and ours, I have had various demi official conversations with him, on the subject of a loan, and the prospect of your successfully negotiating it in France; the result of which is an impression, on my mind, *that if a fair equivalent can be afforded by this Government, that his would not be unwilling to give something like a moral Guarantee or security for the final redemption of our bonds;* and I have been further induced to believe, that the only equivalent that France would expect from us would be in such advantageous commercial arrangements as would give her a prospect of supplying the Mexican trade with her manufactures through the Ports of Texas. Should you find such to be a favorite object with the French, you will be fully authorized to give the most positive assurance that if the Loan can be effected, through any facilities such as I have above referred to, that a large amount of the money will be expended by this Government in strengthening by a line of posts the whole of our frontier, from the mouth of the Rio Grande to Santa Fee, thereby insuring protection to French Commercial enterprize, and that this trade will be put on the most favorable footing, enabling capitalists, to force their goods into the rich province of Chiahuahua, and even into the centre of the Mexican Republic. That this can be done, by opening our ports to the reception of French goods, is at once obvious to the most superficial observer. You can further show the facility that will thus be afforded to the manufacturers of France making way into the United States, such at least as are now subjected to high impost duties in that Government; this last consideration of course must be *sub Rosa*, for altho there is nothing in our relations with that Government, that will require us to regulate our Impost duties by her Scale, yet it is best not, to excite Jealousy, unless we are certain of success. I have only given you hints that I know you will improve, should an opportunity

<sup>a</sup> February 14, 1840; signed by A. de Saligny and Abner S. Lipscomb. The contents of the document are sufficiently indicated by the title.

<sup>b</sup> See Records of Department of State (Texas), Book 54, pp. 12-13.

present itself. Nothing has transpired since your departure, to diminish the importance, to us of your success. In truth it is of such vital importance to effect the Loan; that we are prepared to give France great and essential advantages, should it become necessary, for her assistance in effecting the object.

With great consideration I have  
The honor to be  
Your obedient  
Servant

ABNER S. LIPSCOMB  
*Secretary of State.*

SALIGNY TO LIPSCOMB.<sup>a</sup>

NEW ORLEANS, March the 6th. 1840.

DEAR SIR,

I had a good deal of difficulty in finding here a man who could write both the french and english language correctly and with a good hand; and, in consequence, I could not sent you the copy of the treaty on the 1st of March, by the Columbia. I put it to day on board the Neptune and request the collector of Galveston to despatch you an expres, without the slightest delay.

Be kind enough to have it signed by the President and yourself and return it to me by the same express. I'll send it to my Government as soon as I receive it. The President, you know must put his initial letters on every page.

I have not heard yet from General Hamilton. I know he is now in Charleston and contemplates leaving there for Europe in a short time. I wrote him but could not go to Charleston, [as] <sup>b</sup> I first intended. I have been unwell ever since I got here and am now confined in my room by a very severe attack of Rheumatism.

Public opinion here, does not seem, in general, to be very favorable to Texas. That must be accounted for by the jealousy of the merchants of New Orleans: they begin to be alarmed at your fair prospect. But it must be confessed that the possibility of an invasion by the Mexicans has had a very injurious effect: your currency is now worth almost nothing 20 cents in the dollar: some has been sold for 18. If I can raise some money due me, I'll buy of it to the extent of ten or twelve 1,000 dollars good money, as a proof of my confidence in the ability of your Govt. to redeem it.

I hope you have succeeded in purchasing the Island for me at the sale of the 24th. I wish to hear from you on that subject that I might send you the necessary funds.

I'll remain here till the 5th of April and will be in Austin by the middle of that month.

Be good enough, my dear sir, to present my regard to the President, Judge Burnet, Judge Webb etc. etc.; and believe me

Respectfully yours

A. DE SALIGNY

(remind me to Mr. and Mrs. Bullock, and give the former 200-  
Dollars which I owe him)

HAMILTON TO LAMAR.<sup>a</sup>

CHARLESTON March 24th 1840

MY DEAR SIR

I find that Mr. Henry Williams a brother of Mr. Samuel Williams, has just arrived here from Baltimore, on his way to Texas. This gentleman has been a staunch friend of the Republic, and to his judgment, skill and zeal, we partly owe the successful construction of the vessels of war that were built at Baltimore. Mr Williams proposes suggesting to you, to allow one of the Brigs to go out to France as a letter of Marque. He proposes putting a cargo of cotton on board of her, and if she is kept in fine order, and makes a striking appearance at Havre, She cannot fail to have a very beneficial effect on Mr Burnley's and my negotiation. Her freight will more than pay expenses out and home, and we may load her with the munitions of war, arms, cannon, clothing and Military equipments which, I have suggested to the Secretary of War in a letter which accompanies this, had better be purchased in France, where they may be procured for 50 per cent less than in the United States, besides such a purchase pending the Negotiation of our loan, cannot fail to have a very beneficial influence on our success.. I feel almost satisfied, that it will confirm the French Government in the disposition which they entertained last autumn, to advance us a Million out of their own coffers. I refer you to my letter to the Secretary of the Treasury for all that I have found it necessary to say in relation to the loan and our prospects. I will write you immediately on my arrival in France more fully on this subject, as I proximately, I trust, approach its consummation. I shall feel it my duty to write you on the political situation of Europe, more particularly as the destinies of Texas may be influenced by it. I still hope for a pacification with Mexico, and that your administration may be illustrated by the establishment of peace and the public credit of your country. I have been waiting here for the last month for the despatches for which I wrote from New Orleans on the 7th of January to the Secretary of the Treasury to wit: for the papers connected with the tariff, and the reduction of

<sup>a</sup> See Records of Department of State (Texas), Book 41, pp. 413-414.

duties on articles of French Merchandise.<sup>a</sup> I cannot afford to wait here longer than a week or ten days more, as I must be in Paris before the adjournment of the Chamber of Deputies, as we may have to appeal to Legislative sanction for the aid France may be disposed to render us. I have however written to Dr. Starr<sup>b</sup> to forward the papers with all possible dispatch, as they can follow me in the Great Western on the 9th May. I beg his special and prompt attention to this request, which I deem essential to our success.

With my best wishes, and the salutations of my great respect and esteem, I have the honor to remain, Your Most Obt. Servt and Friend

J. HAMILTON

His Excellency

MIRABEAU B LAMAR

P. S. If the Brig should go to France, be so good as to have her consigned to Lewis Rogers & Co.

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HUGHES TO JONES.<sup>c</sup>

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ACCOUNT OF BULLOCK AGAINST SALIGNY.<sup>d</sup>

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AFFIDAVIT OF LATHAM.<sup>e</sup>

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STARR TO LEVEY.<sup>f</sup>

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LATHAM TO STARR.<sup>g</sup>

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DECLARATION OF WYSE IN REGARD TO GOODS SHIPPED ON THE ANNA MARIA.<sup>h</sup>

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<sup>a</sup> This letter has not been found.

<sup>b</sup> The secretary of the treasury.

<sup>c</sup> March 24, 1840. See Calendar.

<sup>d</sup> July 24, [1840]. See Saligny to Mayfield, March 21, 1841.

<sup>e</sup> July 31, 1840. See Levey to Mayfield, March 29, 1841, in correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>f</sup> August 4, [1840]. See Levey to Mayfield, March 29, 1841, in correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>g</sup> August 4, 1840. Receipt. See Levey to Mayfield, March 29, 1841, in correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>h</sup> October 28, 1840. See Saligny to Jones, April 29, 1842.

INVOICE OF GOODS CONSIGNED TO JOSÉ DEL RIO ON THE ANNA MARIA.<sup>a</sup>SALIGNY TO LIPSCOMB.<sup>b</sup>

[Informing Lipscomb that Saligny has appointed James Foulhouze vice-consul for France at Galveston.]

RECEIPT OF DEMORSE TO SALIGNY.<sup>c</sup>DECLARATION OF SALIGNY RELATIVE TO RECEIPT OF DEMORSE.<sup>d</sup>INVOICE OF GOODS CONSIGNED TO J. LABRUÈRE ON THE ANNA MARIA.<sup>e</sup>SISOS TO GLOUX.<sup>f</sup>GLOUX TO DE CYPREY.<sup>g</sup>DE CYPREY TO SALIGNY.<sup>h</sup>HAMPTON TO GUIZOT.<sup>i</sup>BURNLEY TO LAMAR.<sup>j</sup>LOUISVILLE KENTY. *Jany 30th 1841.*

DEAR SIR,

A week since, I received a letter from Gen. Hamilton, dated on the 5th of this month, from New Orleans, informing me that the Congress of Texas had adopted the amendments to the loan law, which were thought necessary to promote the success of that important

<sup>a</sup> October 28, 1840. See Saligny to Jones, April 29, 1842.<sup>b</sup> A. L. S., November 12, 1840.<sup>c</sup> November 27, 1840. See Smith to Saligny, March 21, 1845.<sup>d</sup> November 28, 1840. See Smith to Saligny, March 21, 1845.<sup>e</sup> November 29, 1840. See Saligny to Jones, April 29, 1842.<sup>f</sup> December 16, 1840. See Saligny to Jones, April 29, 1842.<sup>g</sup> December 19, 1840. See Saligny to Jones, April 29, 1842.<sup>h</sup> December 30, 1840. See Saligny to Jones, April 29, 1842.<sup>i</sup> January 21, 1841. See Hamilton to Lipscomb, February 1, 1841.<sup>j</sup> See Records of Department of State (Texas), Book 41, pp. 410-411.

negotiation—and that it was your wish, that I should continue my efforts, in the character of commissioner, to procure the money for Texas in Europe. I immediately replied to Gen. Hamilton, that I should hold myself ready to depart from New York, on any day he might be prepared to sail—and I am daily expecting a letter from him (which he promised to write me) after his arrival in Charleston, fixing on some early day for our departure. I avail myself of the first Boat descending the Ohio, since the River broke up, to thank you for the continuance of your confidence, after so many failures. It places me under renewed obligations to the country, and to you personally—which I will repay with zeal and fidelity, at least, if not with success—unless things are in a worse condition than when I left Europe. I cannot doubt we must succeed—you may at least rely on my never quitting the country, while I think there is the least chance of accomplishing the objects of our Mission. I was sorry to learn from Gen. H. that my letter of the 3 Decemr. from Baltimore, did not reach you before his departure from Austin. That letter will have informed you, that I probably failed to procure an advance of a Million in France, for want of the requisite authority in the Law to pledge the Bonds—and altho I now hope, from the improvement made in the law, that we shall be able to effect, the more desirable object of selling the Bonds—yet in the event of a disappointment in that particular, it is so desirable that Texas should have money without delay, and the procuring an advance, would so much hasten and facilitate a sale, that I beg leave to renew to your Excellency, the suggestion, of having the power to pledge the bonds for an advance, added to the Law and our instructions,—and if Congress shall have adjourned, to meet again in the Spring, I beg to call your attention to the matter then—for we may be detained in Europe, and find an advance the only practicable mode of raising money for you. For the same reasons, and others stated in my letter of 3rd. Decr. I also beg leave to call your attention to the suggestion, that Congress should vest you with the power to repeal all duties on French Wines, whenever, in your judgment the public interest would be promoted by it. The possibility of a war between Great Britain and the United States, which is now being talked about very seriously in Congress, in consequence of the difficulties about the Maine boundary question, may have the effect of driving us to the Continent as our only hope of raising money—and adds strength to the other reasons for preparing for such an alternative. If these suggestions do not correspond with your own views of the true policy of Texas, I beg you will receive them as made by me from a strong desire to be prepared at all points, to attain success, if it be at all attainable, Since I wrote you last, I have received letters from our

most influential friends in London, saying that the amount of British Capital which would be employed in commercial operations in Texas: provided we had a law of limited partnership, is likely to be immediately so great, that they consider the adoption of such a law, of immense importance to Texas, and urge me to press it upon the notice of your Excellency. Accordingly I beg to refer you to what I said on that subject in my letter from Baltimore. Meeting with an acquaintance two weeks ago, on the eve of his departure for Orleans, at the moment of receiving the Pennsylvania law of limited partnerships, and having no time to write, I handed the copy to this acquaintance, who was also a friend of Col. Love's and requested him to enclose it to Col. Love from Orleans, with a request to him, that he would forward it to you. I hope you have received it. I have not received the New York law, as I expected, or I would send it to you. My last letters from London are of the 6th of Decr. They speak of a considerable improvement in the demand for American Stocks—and that considerable sales had been made—the still at very reduced prices. They also speak of money matters getting easier—and express confidence in our being able to do something for Texas in the Spring.

With sentiments of high respects and esteem, I have the honor to be  
your Excellency's Obt Servant

A T. BURNLEY

To

His Excellency

MIRABEAU B LAMAR

SALIGNY TO TERRELL.<sup>a</sup>

[Requests an exequatur for Jean-Elisée Barlezat, vice-consul of France for the ports of Galveston and St. Louis, in place of James Foulhouze, recalled.]

HAMILTON TO LIPSCOMB.<sup>b</sup>

PARIS Febr. 1st. 1841.

To the Hon.

ABNER S LIPSCOMB

*Secry of State of the Republic of Texas.*

SIR:

Since the departure of my colleague Mr. Burnley I have to report— That on the arrival of the Halifax Steamer whose mail left New York on the 1st. January advices were received of the com-

<sup>a</sup> A. L. S., January 31, 1841.

<sup>b</sup> See Records of Department of State (Texas), Book 41, pp. 470-471.

mencement of active hostilities between Texas and Mexico, and the entire failure of Mr Treat's Mission. I am sorry to say that this intelligence had a tendency to suspend my negotiations with the London House with whom I was in Treaty. As unpropitious as this news was, it was of comparatively little weight to the publication in the London prints, of a resolution which it was said had actually passed the Congress of Texas, holding out the promise of unlicensed booty to whomsoever in an Army of Five thousand men would invade Mexico. Altho Arista's proclamation and other circumstances would have amply justified this, or any other retaliatory measures, yet it came in a little unfortunately, for if the intelligence from Texas and Mexico, had been of a different cast, I think, I should without failure have obtained an advance of a Million, with a certainty of a negotiation of the residue of the Loan in a short period.

Thus situated, as not a moment was to be lost, if you were really about to go to war, I hastened over to France, and have commenced here with the assistance of active influential persons, a negotiation with the House and Bank of Lafitte & Co. who are giving a thorough and cordial consideration of the securities and terms of the loan, with impressions I think, favorable to it. I think my prospects altogether auspicious, and if Mr. Lafitte does take my negotiation up, it will be carried through very promptly and for the whole amount.

In the mean time I have opened a negotiation with the French Government, and herewith do myself the honor of transmitting a copy of my despatch. The conseil of His Majesty will I believe meet in the course of three or four days, for the purpose of coming to some decision on my propositions. If I could obtain the guarantee of the French Govnt. it would be worth two Millions to Texas. I think the Government will have to do something, and I mean that something shall be effected, or I will not accept it as an equivalent, for what we have done for French Industry and Commerce. They are entirely engaged with fortification question, but if they once go into the subject of the future relations of Texas, with France, or rather what they may be made, I confidently hope for the most essential aid.

From the preliminary arrangements Mr Burnley and myself have made with certain land and Emigrating companies, I feel entirely satisfied that a debt of Ten Millions, Texas can pay in Ten years, without imposing a dollar taxation upon her people, by a judicious sale of public lands in Great Britain, and on the Continent. I hope Mr Burnley will have had time fully to develop his views, of the valuable mass of facts he has accumulated on this subject.

I learn in a letter from Philadelphia that the Secretary of the Navy has animadverted in terms of censure on the conduct of Messrs.

Burnley and Brancker, for not having made their report on the account current and vouchers in reference to the purchase of the Zavala. I was surprised that the accounts were not received. I beg leave to offer you the following statement of facts, which I will thank you forthwith to communicate to Mr Cooke, who I presume still fills that Department.

In June 1839 after Messrs Burnley and Brancker had audited accounts just as Mr Burnley was going to Europe, he gave me a package carefully sealed and signed by Mr. Brancker and himself, containing the accounts and vouchers, which I placed in the hands of Col. Drayton to take to Philadelphia, to be given either to Mr Biddle or Mr Dunlap, the President of the bank of the U. S. to be placed in the vaults of the Bank, with a request that they should beg Gen Dunlap, the Texas Minister to send them on by the first safe opportunity to Texas.

They must therefore be safely in the vaults of the institution in question. I had supposed they were long since in Texas. But you will see that no possible blame attaches to either Mr Burnley or Mr Brancker.

A correspondent from New York, writes me, that a rumor prevailed there on the authority of a Houston paper, that the "Loan Commissioners were recalled"—as I have received no official notification of any such fact, or even seen the news-paper paragraph to which reference is made, I shall continue to use my strenuous exertions to serve the Republic and fulfil the objects of my Mission, until officially apprised that the above rumor is invested with official authenticity. It certainly would be a mortifying circumstance, that after procuring with intense labor those preliminary recognitions essential to success, and just on the eve of consummating it, that the very Government most to be served by the establishment of its public credit, should defeat the measure, so essential to its own interests and prosperity. I cannot believe a step so precipitate can be designed by Congress.

I shall say nothing of my sacrifices, labor, and anxious exertions for the last two years to effect these objects, in which I have neglected my own affairs, deprived myself of the society of my wife and children, and advanced my own money freely on all occasions for your Government.

I shall say nothing of these things, because they belong to considerations of a personal character. Whilst my Commission lasts, count on my continued exertions to promote the interests and honor of Texas.

I remain Sir, with the highest consideration, Your Obt Servt

J HAMILTON.

PARIS Jany 21st. 1841.

To His Excellency

Mr GUIZOT

*Secy of State of Foreign affairs,  
to His Majesty the King of the French.*

SIR,

When I had the honor in conjunction with General Henderson, to participate in the negotiation which resulted in the Recognition of the Republic of Texas, by the Government of His Majesty the King of the French, and in the consequent formation of the commercial Treaty between the respective countries, His Excellency Marshal Soult, the then Minister of foreign affaires, with a like ability which suited both his own character and the greatness of the Nation he represented, insisted on no exclusive advantages, but most willingly assented to a convention founded on the basis of the most perfect reciprocity.

He nevertheless communicated to me how very acceptable it would be to his Majesty's Government if the import into Texas of French Wines Brandies and silks, could be facilitated by some favorable discriminations and for these advantages, the French Government would aid me in the negotiation of the public Loan for the Republic of Texas with which I am charged. I have the honor to transmit you a copy of a letter I received from His Excellency the Marshal, at the conclusion of our negotiations.<sup>a</sup>

The Republic of Texas, in consequence <sup>b</sup> both of the duties entirely on French Wines, and one half the duties on French Brandies and silks if imported in French or Texian vessels.

I had hoped to have been able to have effected the negotiation of the Loan, for the Republic of Texas without invoking the aid of His Majesty's Govnt. but the condition of the money market in Europe, is such, that I fear this is impracticable without such assistance.

I do not come foward however, to ask the payment of a public debt, because I appreciate too highly the magnanimity of His Majesty the King of the French, and the generous confidence of Marshal Soult to place my claim on any such footing. But as I believe the Government of His Majesty, can aid the Republic of Texas most essentially, and with a security the most perfect, I beg to inquire of your Excellency, whether if the concessions Texas has made to France, are not deemed a sufficient equivalent, what further advantages would be so regarded as a just compensation, to procure the guarantee of the Government of His Majesty on the Bonds of the

<sup>a</sup> Soult to Hamilton, September 12, 1839. See Calendar.

<sup>b</sup> Some words are omitted.

Republic of Texas for Seven Millions of dollars? I refer to a guarantee as the only really effectual mode by which, in the words of Marshal Soult, the Government of His Majesty could aid the Republic of Texas in the Negotiation of its Loan.

For this guarantee the Republic of Texas has to offer as its security—a Territory as large as the Kingdom of France, The good faith of a law-abiding and debt paying people, A public domain comprising 150 Millions of Acres of the finest land on the habitable globe, on which her population is augmenting in a ratio far exceeding the increase of numbers in the most thriving of the western States of the American Union.

But without the sale of an acre of her public domain her revenues the moment her currency is placed on a sound basis (which will be effected by the negotiation of the Loan with which I am charged) will be quite sufficient to defray her Naval, Military, and civil expenses, pay the interest on the Loan I propose to negotiate, and likewise constitute a permanent and accumulating sinking fund for the redemption of the principal.

The command of the gulf by the fleet of Texas—the recent success of the Federalists (who are entirely favorable to the recognition of the Independence of Texas by Mexico) and the late Treaty which I have concluded with Great Britain, by which the immediate zealous and cordial mediation of England is secured between Texas and Mexico, insure an early pacification between the two countries.

That you may form a just estimate of the resources of Texas, I beg leave to transmit you the enclosed circular to which I invite your attention.

My powers are plenary to treat on the subject I propose, and I have the authority to offer to France the largest compensation as security which I believe will be deemed undoubted for the proposed guarantee. Indeed when it is considered that upwards of two Millions of the inhabitants of the Northern provinces of Mexico, and scarcely a less number of the citizens of the United States of America, are destined to take their supply of Articles of Foreign import through Texas, from the very moderate impost levies in comparison with the former States, I am sure the consideration I have to offer will be regarded as of no small value—to say nothing of the lasting gratitude which will be cherished by the people of Texas, for their essential aid, which cannot but confer a firm amity to your relations with a country destined to be an important State in the family of American Nations.

I have the honor to remain with distinguished consideration, Your Excellency's

Most Obt Servt.

J HAMILTON.

HAMILTON TO LIPSCOMB.<sup>a</sup>

PARIS February 7th 1841.

To the Hon

ABNER S LIPSCOMB,

*Secretary of State etc.*

MY DEAR SIR,—

Since my respects to you of the 1st inst I have nothing further of interest to communicate. My negotiations with Messrs Laffitte, although progressing favorably, have not been brought to a close. I hope however, by the 12 or 13 to come to a definite arrangement. They have taken the subject up in cordial earnest, and if they can possibly see a fair chance of selling the bonds, or their own certificates or debentures founded on them, they will unquestionably take the loan.

The Ministry are considering my proposals, and the time they have occupied probably in deliberating, proves that they deem them of some value. I shall urge their reply in the course of the present week, that I may make up my despatches for the next Steamer in a satisfactory shape I trust.

I am now satisfied that a most effective system for the sale of the public Lands in Texas, may be formed by the establishment of Land Boards, for the sale of Public Lands, by which her public debt may be paid in two years, without being felt by her people, and be made the means of augmenting the population by introducing a most valuable class of emigrants—not paupers; but those who carry with them the means of adding to the public wealth. If Mr Burnley had not time, to bring this subject to the view of the congress of Texas, I shall not leave Europe without having a system devised by the most experienced heads to submit to that body. For I do not desire to be instrumental in adding to the public debt of Texas, without at the same time suggesting some means to make such addition as little of a public burden as possible.

When the Loan is effected, you ought to have a National Bank—a real effective organ of public credit, not a mere paper manufactory. I hope with this view congress has steered clear of all private incorporations, under every small pretext whatsoever.

With my kindest and my respectful salutations to the President, and with the strong hope of soon communicating decidedly and definitely good news to you,

I remain My Dear Sir, with esteem very Respectfully

Your Obt Servt

J HAMILTON

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<sup>a</sup> See Records of Department of State (Texas), Book 41, p. 502.

HAMILTON TO [CASTRO].<sup>a</sup>

(copy)

PARIS, Feb'y 11th. 1841

SIR,

In conformity with the power vested in me, as Agent of the Republick of Texas, I hereby appoint you Agent of the Republic of Texas, in the Kingdom of France, for the sales of its public lands, I do hereby depute you to organize forthwith such Land and Emigration Boards in Paris, and in the Seaports of France, for said sales that you may act in entire conformity with such Board as is organized in London, and may be organized in Antwerp, Hamburg and Amsterdam. The object of which will be first to encourage emigration, and next to constitute a permanent, active and accumulating sinking fund for the payment of the interest and final reimbursement of the principal of the loan of seven millions which I am authorized to negotiate in Europe.

As there may be some peculiarity in the customs, habits, manners, institutions and religion of the French People, which would make it desirable that the scheme of French colonization be different from that established by the existing London Board in London I would be quite willing to assent to such modifications of the latter as you or any intelligent friends you may call to your aid in devising a scheme for emigration, may suggest, provided such modifications do in no respect interfere with the productiveness of the sales of the lands as a source of revenue, and divert the proceeds of the same from their pledge as a sacred fund to redeem the loan to which I have just made reference.

I moreover engage to allow you the same commission and compensation as shall be allowed the Commissioner of the London Board. Your appointment shall continue for at least five years.

I remain with esteem

very respectfully

Your obt. Svt.

(signed)

J. HAMILTON

*Agent and Envoy  
of the Republick of Texas.*

(Compared with original)

<sup>a</sup>This was evidently an inclosure, but it is filed separately, and the letter with which it was transmitted is either missing from the archives, or has not been identified.

SALIGNY TO SECRETARY OF STATE OF TEXAS [MAYFIELD].<sup>a</sup>

Legation of France  
in Texas

AUSTIN Feby 19th. 1841

To the Hon SECY OF STATE, Austin  
SIR

It is with profound regret that I find myself forced to call your attention to facts of an extremely grave nature of which this city was this morning the theatre. From information entitled to credit, which has been furnished me, the following are the details of this deplorable affair.

One of the people belonging to my house, Mr Eugene Pluyette when passing in the street, was without any provocation on his part, assaulted by a man named Bullock, a resident of this city, who having first assailed him by throwing stones, then threw himself upon him with a stick, at the same time making use of all kinds of menaces and atrocious imprecations. My domestic after having repulsed successfully the attacks of Bullock, wished, with a moderation worthy of praise, to pursue his way; but this miserable man without the *sang froid*, and presence of mind of my domestic, undertook to follow him, and the affray was commenced again in a more serious manner.

These acts, Sir, constitute one of the most scandalous and outrageous violations of the Laws of Nations, and they assume a much more serious aspect when, it is considered that they are but the realization of menaces made long time in advance, and that were (as I have but this moment learned) they have already at two different times been preceeded by occurences of the same nature.

I think I ought to add for your information, that Mr Eugene Pluyette who has been for a long time in my service, has always been remarkable not only for his amiable and inoffensive character, but for irreproachable probity. It appears on the contrary that this man called Bullock is very far, according to several reports from enjoying a spotless reputation.

Of all the duties imposed upon a nation the most sacred without dispute is that of insuring to the Representatives of other and friendly nations the respect and protection to which they are entitled. I know too well the sentiment which animate the Texian Government, not to be certain that it will be ready to fulfill this duty on every occasion, and in this particular case under consideration, I am convinced that it will act with much more readiness, to punish

<sup>a</sup> The copy used here is a translation on file with the original, which is so damaged by water as to be, in places, illegible.

with severity the author of this gross and brutal attack upon the of the Laws of Nations. since it has been directed against the Representative of a Power, which has been the first in Europe, to extend to Texas the hand of friendship and which has not ceased to give to this young republic the most signal evidences of solicitude and sympathy.

I beg you to accept Sir, the assurances of the high consideration with which I have the honor to be

Your very humble and obedient servant

(signed)

A DE SALIGNY

MAYFIELD TO JEWETT.<sup>a</sup>

MAYFIELD TO SALIGNY.<sup>b</sup>

DEPARTMENT OF STATE  
City of Austin Feby 20th 1841.

SIR—

I have the honor to acknowledge the receipt of your Note of yesterday communicating the information of a violation of the Laws of Nations—and a disregard of the rights, privileges and immunities appertaining to you, in your Ministerial and official capacity by Mr. Bullock as it is alledged a citizen of this city, having committed without provocation an assault upon the person of Eugene Pluyette a domestic in your employment and one of your people. Your note has been submitted to the President. He regrets exceedingly the occurrences alluded to in your Note, and directs me to assure Mr. Saligny Chargé d' affaires of France that he is fully sensible, and awakened to the vital importance of maintaining in this respect most scrupulously and inviolably the laws and usages of Nations: and that the Government of the Republic of Texas, will at all times exercise to the utmost limits, her authority, to bring to punishment, any person who so far forgets the honor and dignity of her institutions and law—and the respect due those Nations when friendly relations are established, and who may have resident Ministers here—as to violate in any way the long established rights, privileges or exemptions belonging to public Ministers from abroad, or their family, suite, or Servants, or those who in any wise are entitled to participate in the inviolability attached to his public character. Mr Saligny Chargé d' affaires of

<sup>a</sup> February 20, 1841. See information in case against Bullock in correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> See Records of Department of State (Texas), Book 38, pp. 164-165.

France may upon all occasions contemplate with the most entire assurance that this Government entertains a lively sense of the necessity of adhering rigidly to those rules of international law, which so distinctly, and justly regulate and mark that intercourse, and comity which so deservedly distinguish all civilized Nations and that the President would witness with peculiar and profound regret any infraction of those well established principles, which might in any possible contingency, in the remotest degree disturb the harmony and friendly relations (an object which Texas will ever foster) existing between this Government, and the Government of France, which Mr Saligny has the distinguished honor so eminently to represent. Actuated by these considerations, and moved by the reflection that the Magnanimity of Chivalrous France, induced her, at an early period in our revolutionary struggle, to become the first European power to recognize Texas as an independent Nation and entitled to rank amongst the Nations of the Earth, this too an important step for the interest of the Republic, it is borne in mind was greatly facilitated by the zeal, and interest you so disinterestedly manifested in her welfare, and advancement, in representing so forcibly, and favorably to your Government the resources, of the Country, and the moral and physical capabilities of the people for self government. The President has therefore directed that the proper Law-officer be instructed to institute an enquiry into the facts, and circumstances attending the occurrence mentioned in your note, and take the necessary legal measures for an examination of the case before the judiciary, and have its action thereon, as may be consonant to the laws and usages of Nations, The only mode under the Constitution and Municipal policy of this Government whereby the offending person can be brought to punishment.

In conformity to the directions of the President instructions have been given to the District Attorney Mr Jewett, a copy of which is herewith transmitted. I beg leave at the same time however, respectfully to call the attention of Mr Saligny Chargé d' affaires of France, to a well established principle, and that the President urged by the most anxious desire not to see in the least the free and friendly intercourse existing between his Government and the Republic of Texas disturbed, has given those directions in the premises. Nevertheless it might have been urged, upon high authority and the principle acknowledged—that by the usages of Nations, in order to entitle the domestic servants of foreign Ministers to the exemptions, and privileges, a violation of which is made the basis of complaint in this instance—it might have been insisted; that before any such representation could have been entertained—an official list of such

domestic servants must first be communicated to the Secretary, or Minister of foreign affaires of the Government to which such Minister may have been accredited

Accept Sir, assurances of the high consideration with which I am  
Very Respectfully, Your obt Servant

J S. MAYFIELD

To H Mon<sup>sr.</sup>

A DE SALIGNEY

*Chargé d' affaires  
of the Govmt of France, to  
the Republic of Texas.*

SALIGNY TO MAYFIELD.<sup>a</sup>

LEGATION OF FRANCE IN TEXAS

Austin Feby 21st. 1841.

The Hon

Mr MAYFIELD

*Secretary of State.*

SIR:—

I have received the note which you did me the honor to address me yesterday, in answer to mine dated the day preceding, and I see by the annexed copy of your letter to the District-Attorney Mr Jewett, that you have given orders to that officer in relation to the subject of my communication aforesaid, to take the legal measures prescribed by International Laws and customs, as well as by the rules of your Municipal law.

That a Nation must be free to adopt, for the execution of its laws such judicial forms as appear convenient for it, is without doubt, a right which cannot be contested; but it cannot exercise this prerogative in that which concerns other Nations, except on the condition of not making any attack upon the principles of the Laws of Nations—that Supreme Law of international relations—and of not adopting any rules which shall render those imprescriptible principles, vain and impossible of application, thus depriving other Nations of the means of obtaining redress for their just complaints. This is in fine Sir, on my part but a general reflection; for although I do not know the precise terms of the Law adopted by the last Congress for the purpose of ensuring to the Ministers of foreign powers, the protection which is due to them (the Law I believe has not yet been published),<sup>b</sup> I do not doubt for a single moment, that the Texan Government has the power as well as the disposition, to

<sup>a</sup> See Records of Department of State (Texas), Book 41, pp. 475-476.

<sup>b</sup> See Gammel, *Laws of Texas*, II, 534-535.

cause the sacred Laws which control the mutual relations of all civilized people, to be respected on every occasion.

I cannot refrain however from remarking (*en passant*) that it is impossible for me to comprehend or to admit, that there can be any thing in common between a question of international Law, and the Municipal regulations of the Republic of Texas.

In relation to the remark contained in the last paragraph of your note, I would ask leave, Sir, to submit to you an observation on my part. There is in fact a custom that a foreign Minister on his arrival at the Capital of the Government to which he is accredited, should transmit to that Government an official list of all the persons composing his household. But if this formality, which among other things, has for its end to prevent that any individual guilty of a violation of the privileges and immunities of Diplomatic characters, cannot plead in excuse that he was ignorant of the official character of the persons attacked by him;—if, I say, this formality has been omitted from any motive whatever, this omission does not destroy or impair in the least, the right of a Minister and of the people of his household to seek reparation for violence committed upon them, when it is duly proved that their character was perfectly known to the offender. Now in the matter under consideration, it would not only be impossible to deny that Mr Bullock knew Eugene Pluyette to be one of the domestics of my house; but it can no less be doubted, and the Texian Government ought to be informed of it as well as any one it may concern, what course to pursue in this affair, that it was even on account of this quality of Domestic of the Chargé d'affaires of France, that Pluyette has been three times on the part of Mr. Bullock, the victim of infamous and premeditated outrage.

I will not conclude this note without representing to you again, that it is a matter of extreme urgency for the interests of our respective Governments that the attempts of the said Bullock which has rendered him liable, should receive a prompt and exemplary punishment. This individual who has by no means restrained himself, as you remark in your instructions to Mr Jewett, to provoking Mr Pluyette, but who has attacked him on three different days, sometimes by throwing stones sometimes with a stick, and even with a hatchet, inflicting upon him each time wounds more or less serious, has since yesterday, again used towards him horrible threats. In consequence of which, I have therefore thought it proper, to order my Servant never to go out without being armed, and I have expressly enjoined him to make use of his arms, to repulse any new outrages which Mr Bullock may attempt to commit upon him. If then the Texian Government should not take without delay, the necessary measures to effect the punishment of Mr Bullock, it is to be apprehended that we shall soon have to deplore new excesses, and that this affair

already so much to be regreted, may assume a character still more serious. But I repeat I have entire persuasion that your Government will act in this matter with promptitude and energy, and that the reparation due to outraged France will not be long delayed.

I beg you to accept Sir, the assurance of the high consideration with which I am, Your Very humble and Obedient Servant

A. DE SALIGNY

JEWETT TO MAYFIELD.<sup>a</sup>

MAYFIELD TO SALIGNY.<sup>b</sup>

DEPARTMENT OF STATE  
City of Austin Feby 22nd 1841

SIR

Your Note of the 21st. Inst, in reply to the one addressed to you by this Department of the 19th, I had the honor to receive on yesterday; but owing to the delay of obtaining a satisfactory translation of the same, an earlier answer could not be given. Mr. Saligny Chargé d'affaires of France will accept the assurance of the Texas Government, that She entertains the strongest desire to enforce to the fullest extent her authority to vindicate the laws and usages of Nations, and that she will not be found wanting, in manifesting at all times, a due regard to the sacred and inviolable principles of international law, which the Government of the Republic of Texas, would not, and could not change or modify of she chose.

At the same time it must however, be borne in mind, that under the constitution and Municipal regulations of the Texan Government, similar in that respect to the Government of the United States of the North—offenders against the public tranquility, or violators of the laws of Nations—are amenable for a transgression of those laws, only under prescribed forms and rules which neither Department of the Government have a right to, or can invade or assume to itself.

The infraction then of the inviolable principles of international law; which is made the subject matter of complaint in this instance; has by direction of the President been referred to the judiciary, to which it of right, and constitutionally appertains under our constitution. This is the mode of redress pointed out, and the only one by which a violator of the usages, and laws of Nations under the institutions of this country can be brought to punishment. The Government of the Republic of Texas therefore in this Instance having

<sup>a</sup> February 22, 1841. See Mayfield to Saligny of the same date.

<sup>b</sup> See Records of Department of State (Texas), Book 38, p. 166.

directed to the utmost of her authority an investigation into the alledged outrage mentioned in your former note: Congratulates herself that she has done, all that duty requires, That chivalrous and magnanimous France could demand: or that a deep and vivid sense of gratitude upon the part of the people of Texas for signal and important benefits conferred could dictate.

As a further assurance of the interest the Government has taken in this affair, in which it is alledged our first European friend, *France* has been outraged—I beg leave to refer Mr Saligny Chargé d'affaires of France to the accompanying letter of Mr Jewett, the proper law officer, who has as will be seen in pursuance of instructions from this Department instituted the necessary legal measures for a judicial examination into the Matter. From this it will be seen, that testimony will be received tomorrow at Three Oclock, P. M. at the Senate Chamber, when and where it is expected Mr Saligny will cause to be laid before the Hon. A Hutchinson one of our District Judges, and a Member of the Supreme Court, any evidence at his command touching the transaction, which is the subject of discussion. I beg leave to repeat to Mr Saligny Chargé d' affaires of France, that the Government of Texas, will continue to exercise all the authority with which she is constitutionally vested to vindicate the laws of Nations, and maintaining inviolate those usages of international Comity which regulate the intercourse of civilized Nations. I beg to repeat assurances of the High consideration, with I subscribe myself very Respectfully

Your obedient Servant

J. S. MAYFIELD

To Mon<sup>sr</sup> A De SALIGNY *Charge d' affaires etc. etc.*

[Copy #1]

CITY OF AUSTIN

Feby 22nd. 1841.

SIR,

In conformity to your instructions of the 20th Inst relative to an alledged affray provoked and engaged in by Mr Richard Bullock, with one Mr. Eugene Pluyette, a servant of the Hon A De Saligny Chargé d'affaires of France near the Government of Texas, I have filed an official information concerning the affair before the Hon A Hutchinson one of our District Judges, and associate Justice of the Supreme Court of the Republic. As by the Law of Nations, Foreign Ministers their retinue and suite, are not amenable to the civil or criminal Jurisdiction of the Government, to which they are accredited, I have therefore to request that you would notify the Hon

\* See Records of Department of State (Texas), Book 41, pp. 476-477.

Chargé d'affaires of this proceeding, in order that he may furnish any testimony in his possession, that he may deem proper, and permit the member of his household, upon whom the alledged assault was committed, to appear before the Honorable Judge, and give his testimony concerning the offence which has been made the subject of complaint.

Mr Bullock, the citizen against whom charges have been prefered, by the Hon. Chargé d'affaires, is cited to appear before the Hon Judge at the Senate Chamber tomorrow, at 3 oclock P M. at which time and place an investigation of the affair will be had, and such proceedings adopted as may appertain to law and Justice.

I have the honor to be, with the highest respect  
Your Obt Seyt.

HENRY J JEWETT  
*Dist Atty 3 Jud Dist.*

Hon J S. MAYFIELD  
*Secy of State.*

#### INFORMATION IN CASE AGAINST BULLOCK.<sup>a</sup>

#### WARRANT FOR ARREST OF BULLOCK.<sup>b</sup>

#### SALIGNY TO MAYFIELD.<sup>c</sup>

SIR,

Your note of yesterday enclosing a copy of a Letter from Mr Jewett to your Department, dated the same day, was delivered to me late in the evening, and I hasten to acknowledge its receipt.

I should have failed in Justice to the Texian Government if I had doubted a moment of its sincere desire to cause to be respected on all occasions, the principles of the Laws of nations, and of its real disposition to punish with severity, every attempt against those salutary and inviolable principles which as you say it has neither the power nor the will to change or modify. I have received with no less pleasure, the assurances you have been pleased to give me on this point.

In announcing that the Hon Judge Hutchinson, to whom has been entrusted the cognizance of this affair, would proceed to day at 3

<sup>a</sup> February 22, 1841. See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> February 22, 1841. See information in case against Bullock, February 22, 1841, in correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>c</sup> Translation on file with the original. The latter has been so damaged by water as to be in parts illegible.

o'Clock P. M. in the Senate Chamber to the hearing of testimony, you add "that it is expected that you will place before this Magistrate any evidence at command." If the Texian Government, which ought it seems to me to be perfectly apprised of the true cause of this odious violation of the Laws of Nations; which cannot be ignorant of the circumstances which have preceded and brought it on, has not succeeded in procuring upon facts known to every body, sufficient evidence, I should take pleasure in transmitting through you, all the declarations necessary to enlighten the conscience of its Tribunals. I would even consent in the case in which you have made the demand, that my domestics should be heard by their simple declarations. But as to permitting that they should appear as witnesses before the Judicial authorities of this Country, particularly when it relates to a question in which the dignity of France is deeply concerned, I could never do that without completely forgetting the obligations which are imposed on me,—without a culpable abandonment of principles and of privileges, the preservation of which unimpaired is one of my first duties.

## MAYFIELD TO SALIGNY.\*

DEPARTMENT OF STATE  
City of Austin Feby 23rd 1841

SIR

I have just succeeded in procuring a hasty translation of your note of this date, and would most respectfully suggest to Mr Saligny that under the constitution of this Government, the testimony of his domestic Mr Eugene Pluyette could not be admitted, except in the manner pointed out by law for taking testimony of other witnesses. The sixth section of our Constitution under the "declaration of Rights," declares that "In all criminal prosecutions the accused shall have the right . . . of being heard by himself or counsel, or both . . . , he shall have the right to demand the nature and cause of the accusation, shall be confronted with the witnesses against him, etc."

It follows therefore with whatever offence of a criminal character, an individual may be charged, he is entitled to the forms and mode of trial guaranteed by the constitution, and prescribed by our municipal regulations. Mr. Saligny Chargé d'affaires of France, will perceive then the embarrassment attending an investigation of the affair complained of, in the event his domestic is not allowed to testify, in the way pointed out by our laws. The Hon Judge Hutchinson could not admit it otherwise. In as much then as your domestic is cognizant

\* See Records of Department of State (Texas), Book 38, p. 167.

of the various threats and menace preceding the alledged affray and which tend to aggravate it, is hoped that Mr Saligny will present no obstacle to a full and satisfactory investigation into the alledged violation of the laws of Nations, in the instance complained of. The Government of Texas having caused the matter to be placed before the Judiciary the appropriate Department to investigate the same, and pronounce the law, will not cease to exercise every constitutional function to do Justice.

Accept Sir assurances of the consideration, with which I am, Very  
respy Your Obdt Servt—

J S. MAYFIELD

Mn<sup>sr</sup>. A DE SALIGNY—*Chargé d'affaires etc. etc.*

EVIDENCE IN CASE AGAINST BULLOCK.<sup>a</sup>

HUTCHINSON TO MAYFIELD.<sup>a</sup>

SALIGNY TO MAYFIELD.<sup>b</sup>

AUSTIN Feby 24th. 1841.

SIR

I must have expressed myself badly, in my note of yesterday, or the translation which was made of it, could not have been entirely exact, for I see by your answer, that you have not well understood my meaning. I will therefore attempt to explain it in a clear manner and one not liable to be misunderstood.

By your note of the 22nd you transmit a copy of a Letter of the Dist Atty Mr Jewett, written to you the same day, in which he asks you to make known his desire that I should permit Eugene Pluyette, to appear before the Honorable Judge Hutchinson to depose as a witness, relative to the crime (offense) which forms the subject of my complaint.

Then you add, below, that it is expected that I should place before the Honbl Judge Hutchinson, all the proofs which may be in my possession concerning this affair.

To this Sir, I answer,—

The Law of Nations prevents not only a Foreign Minister but even his Domestics from being called under any pretext whatever, before the Tribunals of the country where he resides. The Minister may

<sup>a</sup> February 23, 1841. See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> Translation on file with original, which has been so damaged by water as to be, in places, illegible.

sometimes it is true, renounce this privilege, and such circumstances might occur, when in order to ascertain what justice required, I might consent, to permit my Domestics to come as Witnesses, to depose before, the Tribunals of your country. But, in the present case, if Eugene Pluyette, (on whose person has been committed the crime,) should appear before the Honble Judge Hutchinson, it would be in some sort, much less in quality of witness than as Party, and that is the reason Sir, as I wrote you yesterday, and as it should have been understood that I could not consent, without a most complete disregard of the duties imposed on me and without too, a culpable abandonment of privileges, the maintenance of which unimpaired, is one of my first duties.

However if in his desire to arrive at the full knowledge of the facts, the Hon Judge Hutchinson should wish to hear my domestic, *not as witness, but by simple declaration only*, you would have but to inform me of it in writing, and I would have I think, no objection to it. Also as to your first request, I should be pleased to transmit to the Dept of State such information as I possess touching this deplorable affair.

As to the rest—the crime, for which France is to day forced to seek reparation, has been committed at three different times, in open day, before a great number of people of the city, whom your magistrates can summon as Witnesses. Every body here knows that it has been for a long time preceded by circumstances which of themselves alone constitute an insult to France. These facts have been perfectly known by your Government, and although it can be said, it had the means as it was its duty, to have stopped and punished them. During an entire month the Charge d' affairs of the King, in his desire to avoid all embarrassments with a country to which he had already given such unequivocal evidence of his personal sympathy had shown a patience and forbearance pushed perhaps to excess, but which the Texian Government, I am sorry to be constrained to say, should have better appreciated. France, less than any other nation perhaps, should expect to be insulted by Texas; and besides, since the outrage of which she has to complain, has been unexpected, odious, and in its character, derogatory to her dignity, you can therefore the better understand, that in her just indignation, she should insist that, it should receive a prompt and signal punishment proportioned to the enormity of the offence.

As to your reflections upon the judicial forms adopted in the Republic of Texas, I am sorry not to be able to make any other reply than that, already directed to you in my note of the 20th.<sup>a</sup> of this month, to wit, that the Law of Nations is the Supreme Law which

<sup>a</sup> The date was in fact the 21st.

regulates the international concerns of all civilized People, and that no People can adopt in respect to other nations any rules, any judicial forms, which by rendering vain and impossible a recourse to the imprescriptible principles of this law, should deprive them of the means of pursuing redress for their just grievances

Be pleased, Sir, to accept the assurance of the high consideration with which I am,

Your very humble

and very obedient servt

signed,

A. DU SALIGNY

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JEWETT TO MAYFIELD.<sup>a</sup>

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MAYFIELD TO SALIGNY.<sup>b</sup>

DEPARTMENT OF STATE  
City of Austin, Feby. 25th 1841

SIR,

I have the honor to acknowledge the receipt of your Note of yesterday, and duly noted its contents; and the positions assumed by you that there is nothing in common with the laws of Nations, and the Municipal regulations of the Government of Texas. I beg leave to repeat that it is most true that the Texian Government could not if she desired it, do any thing to render vain, or nugatory the imprescriptable laws and usages of Nations.

At the same time it is equally manifest that for an infringement upon, or a violation of the laws of Nations within the jurisdiction of the Texian Government that the offender can only be brought to punishment in the manner pointed out by our constitution and laws; and that testimony relative to any such infraction of the laws of Nations, can only be admitted by the Judiciary in the forms prescribed by our constitution and Municipal policy. The subject matter of complaint having been referred by the Executive to the appropriate Department, The Judiciary, the Government had no further control over the matter, and the alledged offence could only be reached in the manner indicated. I herewith have the honor of transmitting to you a copy of the report of the Hon Judge Hutchinson to this Department, relative to the Judicial measures adopted by that officer, to bring Mr Bullock to punishment for the alleged offence.<sup>c</sup>

<sup>a</sup> February 24, 1841. See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> See Records of Department of State (Texas), Book 38, p. 168.

<sup>c</sup> See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

The undersigned confidently entertains the hope that Mr. Saligny will see in this manifested every disposition on the part of The Texian Government, to sustain inviolate the laws of Nations, and exert to the utmost her authority to punish any violation of the same.

Accept assurances of the high consideration, with which I am,  
Respectfully, Your Obedient Servant.

JAMES S. MAYFIELD

To Mon<sup>sr</sup>. A DE SALIGNY

*Charge d' affaires of France  
etc. etc. etc.*

SALIGNY TO MAYFIELD.<sup>a</sup>

Légation de France  
au Texas.

AUSTIN, le 28 février 1841.

MONSIEUR,

J'ai à vous accuser réception de la note que vous m'avez fait l'honneur de m'adresser le 25 de ce mois.

Je vois, par la décision rendue, le 23, par l'honorable Juge Hutchinson et dont copie est jointe à votre note, que ce magistrat a compris toute la gravité de l'affaire qui lui était soumise, et j'attendrai avec une pleine confiance dans les lumières et l'indépendance de l'honorable Cour de District, le Jugement définitif de ce Tribunal.

Je n'ai rien, d'ailleurs, à ajouter ni à changer à mes précédentes communications.

Vous pouvez être assuré, Monsieur, que le Gouvernement du Roi, à qui je me suis empressé de transmettre copie de la correspondance échangée entre nous, saura apprécier les sentiments qui ont dirigé la conduite de votre Gouvernement dans toute cette déplorable affaire. Il ne pourra, sans doute, apprendre sans la plus pénible surprise qu'un membre du Cabinet Texien a cru devoir s'associer hautement, en quelque sorte, à la responsabilité d'un attentat que la Justice de son pays venait de flétrir, à l'instant même, comme une violation criminelle des Principes sacrés du Droit des Gens. Quant à moi, je m'abstiendrai de qualifier ici un tel procédé, sans exemple, je crois, dans les annales des Peuples civilisés.

Recevez, Monsieur, l'assurance de la haute considération avec laquelle j'ai l'honneur d'être

Votre très humble et  
très obéissant Serviteur

A. DE SALIGNY  
à l'Honorabile Monsieur MAYFIELD, Secrétaire d' État.

HAMILTON TO LIPSCOMB.<sup>a</sup>

LONDON March 3rd. 1841.

ABNER S LIPSCOMB

*Secretary of State.*

MY DEAR SIR

I have just arrived in London from Paris, and have only a moment to apprise you that on the 14th of February I concluded a contract with the Bank of J Laffitte & Co. of Paris for the Texan Loan.

If I succeed in obtaining the guarantee of the French Government, of which I have a fair prospect, I shall make a most propitious negotiation. If I fail in this, the rate at which I have negotiated must of course approximate more nearly to the credit of the Government of Texas. In the first place, I shall get a price approaching French stock.

I return to Paris in a few days to continue my negotiations for the guarantee of the French Government by appointment with Mr Guizot, which would be worth between 2 and 3 Millions to the Government of Texas. As this negotiation would take a month, and another month for Messrs Laffitte & Co to issue their own French certificates of Stock on the security of our bonds, it will be July before any part of the Loan will be available in New York. I will however, write an official letter to the Secretary of the Treasury by the Queen, which leaves this on the 10th inst, detailing all the particulars in regard to the Loan.<sup>b</sup> In the mean time, it will be desirable that neither himself or the congress should make any movements in relation to the Loan until he hears from me.

I enclose a copy of my letter to Lord Palmerston as to the Mexican debt and indemnity,<sup>c</sup> which you ought to have had long ago. If the Treaties I have concluded, and my own Commission as Minister to the Court of St James, if I have been appointed [are in your hands], pray transmit them to Col Bee to be forwarded me immediately.

I have only a moment to assure you of the esteem, with which

I am very Respectfully Yours.

J. HAMILTON.

MAYFIELD TO SALIGNY.<sup>d</sup>

DEPARTMENT OF STATE

Austin 15th March 1841.

SIR.

Instructed by the President, I herewith transmit to you the memorial<sup>e</sup> of Mr Richard Bullock a citizen of this City, addressed to

<sup>a</sup> See Records of Department of State (Texas), Book 41, p. 503.

<sup>b</sup> See Hamilton to Chalmers, May 18, 1841, in *Austin City Gazette*, July 14, 1841.

<sup>c</sup> November 5, 1840. See Correspondence with Great Britain.

<sup>d</sup> See Records of Department of State (Texas), Book 38, p. 168.

<sup>e</sup> This memorial has not been found.

his Government, praying for relief, in a controversy existing between him and yourself, it being the only mode of redress left him. The question is therefore submitted to the consideration of Mr. Saligny, that he can adopt such measures in the matter, as may be dictated by his good sense of propriety and justice.

The undersigned avails himself of this occasion to renew to Mr. Saligny assurances of the great consideration, with which he is respectfully your Obedient Servant.

JAMES S. MAYFIELD

SALIGNY TO MAYFIELD.<sup>a</sup>

Légation de France  
au Texas.

AUSTIN, le 21 mars 1841.

MONSIEUR,

Le mauvais état de ma santé ne m'a pas permis de vous accuser réception, avant ce jour, de la lettre que vous m'avez fait l'honneur de m'écrire, le 15 de ce mois, d'après les ordres de Son Excellence le Général Lamar, pour me remettre une copie du *mémoire* (comme vous l'appellez.) adressé à M. le Président Burnet, par le sieur Bullock, le 20 du mois dernier. J'ai regretté, Monsieur, que vous n'eussiez pas cru devoir me donner plutôt communication de ce *mémoire*; car les explications que je me serais empressé de vous transmettre vous auraient, au besoin, convaincu que je n'avais pas attendu jusqu'alors pour adopter, dans cette affaire, toutes les mesures qui m'étaient dictées par un scrupuleux sentiment de convenance et de justice.

Le *mémoire* du sr. Bullock ne peut être autre chose, aux yeux de tout homme éclairé et impartial, qu'un moyen inventé après coup (on comprend facilement dans quel but); et il ne saurait me convenir de réfuter une à une toutes les allégations mensongères, tous les faits controuvés ou complètement dénaturés qu'il contient. Je me bornerai donc à vous dire qu'il [est faux(?)] que j'aie jamais refusé de régler ce que je dois au sieur Bullock; que, loin de là, je lui ai fait offrir, mainte et mainte fois, par plusieurs personnes, de le payer immédiatement, non pas, il est vrai, d'après le compte établi par lui, que tout le monde a qualifié de scandaleux (*most scandalous imposition*), mais d'après celui fixé par arbitrage, conformément aux prix connus du sieur Bullock, et dont je joins ici copie; que je lui ai fait, il y a cinq ou six jours, renouveler la même proposition. Mais cet individu a toujours refusé; et, pendant des mois entiers il n'a cessé de vomir contre moi les injures les plus grossières, de colporter, de porte en porte, les calomnies les plus outrageantes. Quel que fût mon mépris pour des insultes parties d'une source si basse, mes sentiments,

bien connus, d'affection et de dévouement pour cette jeune République et le désir d'éviter tout embarras à son Gouvernement, ont seuls pu m'empêcher de remplir le devoir, qui m'était imposé par ma position, d'en demander officiellement la réparation; mais, en même temps, j'ai vu avec une peine profonde, je vous l'avoue, que les représentations amicales que je crus devoir, à diverses reprises, soumettre à M. le Juge Burnet,<sup>a</sup> n'avaient aucun effet, et que le Gouvernement Texien ne prenait aucunes mesures pour mettre un terme aux outrages dont la France était, chaque jour, l'objet dans la personne de son Représentant, et prévenir les conséquences fâcheuses que j'avais tant à cœur d'épargner à deux Gouvernements amis.

Quant à la plainte du sieur Bullock relativement à ses *cochons*, voici la vérité. J'ai longtemps souffert et je souffre encore tous les jours, comme tout le monde, des nombreux cochons dont la ville est infestée. Chaque matin, un de mes domestiques passait deux heures à recever et clover les barreaux de la barrière que ces animaux renversaient pour venir manger le maïs de mes chevaux. 140 livres de clous ont été employées à cet usage! Un jour, trois cochons étant entrés jusques dans ma chambre, y mangèrent du linge et détruisirent des papiers. Une autre fois, une douzaine de ces animaux se précipitèrent, pour manger le maïs, au milieu de mes huit chevaux, qui, effrayés, renversèrent complètement mon écurie, et foulèrent aux pieds un de mes domestiques, qu'on retira avec beaucoup de peine à moitié mort. C'est alors que, suivant l'exemple de plusieurs de mes voisins, j'ordonnai à mes gens de tuer tous les cochons qui viendraient dans ma cour; mais cet ordre ne s'appliquait pas plus spécialement aux cochons du sieur Bullock, qui ne portent pas sur leur dos le nom de leur maître et qu'il est impossible de distinguer des autres. [À la suite (?)] de mes ordres, cinq ou six cochons, à ce qu'il paraît, ont été tués dans ma cour par mes domestiques. Appartenaient ils au nommé Bullock ou à tout autre? Je l'ignore; mais les insinuations et assertions de cet individu à cet égard n'en sont pas moins mensongères, comme tout le reste de son *mémoire*, où, d'un bout à l'autre, respire la plus insigne mauvaise foi, et qui n'est évidemment, je le répète, qu'un expédient à l'aide duquel il voudrait s'efforcer d'atténuer le crime dont il s'est rendu coupable, et dont la France attend une juste réparation.

Je vous renouvelle, Monsieur, l'assurance de la haute considération avec laquelle j'ai l'honneur d'être

Votre très humble et

très obéissant Serviteur

A. DE SALIGNY.

à l'honorable Monsieur MAYFIELD, *Secrétaire d'Etat*.

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<sup>a</sup> Vice-President of Texas, and because of Lamar's illness at the time acting president.

Légation de France  
au Texas

(copy)

Mr. de Saligny,

To Richard Bullock Dr.

July 24th. To keeping horses 3 1/2 days at 2.50	\$25. 25
do. do. 5 horses, 4 days at 2.50	50.
one day board for driver	2. 50
one month board for himself	60.
one month do. for 2 servts. boys at 30	60.
one month do. for a servant Girl	30.
5 days board for M. Dulong	12. 50
Flora's (negro girl) expenses	8. 35
digging a grave and conveying Flora	10.
Keeping a spotted horse 12 days 1/2 at 1.50 a day	18. 75
services of henry 3 days	6.
one month rent of a store	30.
	<hr/>
	\$313. 75

This bill is made out according to the informations made known to me by Mr. de Saligny and others, concerning Mr. Bullock's rates of charges.

signed. BILLINGSLEY<sup>a</sup>

Certifié véritable la présente copie, conforme à l'original resté en mes mains.

A. DE SALIGNY

AUSTIN 21 mars 1841.

<sup>b</sup> Deducting, from Mr. Bullock's bill as settled by arbitration	
at	\$313. 75
Paid cash by M. de Saligny on July 28th	200
	<hr/>
balance due	\$113. 75

Not only has M. de Saligny proposed to M. B., as early as August last, to pay him that balance; but he went further. Having made no bargain with M. B. for the rent of the store, and having no fixed and regular price to take as a standard for that item, he agreed to pay the 40\$ charged by M. Bullock's<sup>c</sup> instead of 30, as reduced by

<sup>a</sup> Apparently the arbitrator. See the reference to arbitration in the remarks of Saligny following the account.

<sup>b</sup>This addition is written on a separate sheet of the paper of the French Legation in M. de Saligny's hand.

<sup>c</sup>Probably M. de Saligny meant to write "by Mr. Bullock's original account."

*arbitration.* It is very strange that M. Bullock having taken from M. Billingsley's hands the bill formerly presented by himself to M. de Saligny, has always refused to return it, although called for, twenty times. A proposition made anew, few days ago, to M. Bullock, through M. Billingsley, to settle, has received no answer, at least as far as M. Saligny knows.

SALIGNY TO MAYFIELD.<sup>a</sup>

Légation de France  
au Texas.

AUSTIN, le 25 Mars 1841.

Monsieur,

La France vient d'être insultée, de nouveau, dans cette ville, de la manière la plus sanglante; et, cette fois, c'est sur la personne même de son Représentant que l'outrage a été commis. Hier soir, au moment où je me disposais à entrer dans la cour de la maison du Chargé d'affaires des Etats-Unis,<sup>b</sup> à qui j'allais faire une visite, l'aubergiste Bullock, qui m'avait, depuis quelques instants, suivi avec une affectation et un air menaçant que je n'avais pu m'empêcher de remarquer, se précipita vers moi et me dit d'un ton insolent qu'il me défendait de venir chez lui. Je lui répondis tranquillement que je venais, non pas chez lui, mais chez M. le Colonel Flood. "Ce n'est pas vrai, fit il alors; "vous êtes chez moi, et la première fois que vous y revenez, je vous as- "somme. Vous voilà averti; dorénavant je ne m'en tiendrai plus à des "paroles, mais j'agirai." En parlant ainsi, il levait le poing vers moi en me menaçant et faisait mine de vouloir me frapper. Je l'en-gageai à prendre garde à ce qu'il allait faire. Alors il me prit d'abord au collet, puis me saisit par le bras avec violence. Cependant, déconcerté par mon sang-froid, il me lâcha, et je continuai mon chemin, sans faire attention aux injures et aux menaces qu'il pro-férait contre moi.

Pendant plusieurs mois, Monsieur, le Gouvernement Texien, sans tenir compte des observations amicales que je me contentai de lui adresser, sans paraître apprécier, comme j'avais droit de l'attendre, les sentiments qui me poussaient à une patience, à une longanimité excessives, a permis à Bullock de vomir, chaque jour, contre le Repré-sentant de la France les injures les plus grossières, les calomnies les plus insultantes. Excité par cette inaction incompréhensible de votre Gouvernement, ce misérable, ainsi que je l'avais souvent prédit à M le Juge Burnet, ne s'est plus borné bientôt à des paroles. À trois reprises différentes, il a attaqué dans la rue, un de mes domes-

<sup>a</sup>A. L. S.

<sup>b</sup>Cf. Flood to Mayfield, of same date, in Correspondence with the United States, ad-ditional letters.

tiques. La tournure donnée aux poursuites intentées contre lui à l'occasion du crime commis le 19 février; l'indulgence extraordinaire montrée à son égard, et, surtout, les encouragements qui lui ont été donnés en cette circonstance par un des membres du Cabinet, qui n'a pas craint, ainsi que j'ai eu l'honneur de vous le faire observer dans ma communication du 28 février der., de s'associer hautement à la responsabilité de son crime, ont convaincu Bullock que désormais il pouvait tout oser, qu'il pouvait impunément fouler à ses pieds toutes les lois, et se porter à des voies de fait contre ma personne même.

Mais quelque odieux que soit l'infâme attentat dont j'ai été l'objet, je regrette, Monsieur, d'avoir à vous prier d'appeler l'attention de Son Excellence le Président sur un autre fait qui n'est pas moins digne de réprobation. Le Crime commis hier par le Sr. Bullock, et qui, j'aime à le reconnaître, a saisi d'indignation tous les honnêtes gens de cette ville, a, cette fois encore, trouvé un chaud défenseur dans le Cabinet. En effet, d'après ce qui m'a été affirmé par les personnes les plus respectables, M. le Secrétaire du Trésor ne se serait pas borné à approuver, publiquement et sans réserve, la conduite de Bullock; mais il aurait été jusqu'à dire que s'il avait été à la place de celui-ci, il aurait pris son fusil et m'aurait tué. C'est un conseil dont Bullock est sans doute, déterminé à profiter à la première occasion.

En présence de pareils faits, Monsieur, je serais tenté, en vérité de me croire au milieu d'une Tribu de Sauvages plutôt que chez une nation civilisée et amie, si le Gouvernement Texien, sortant enfin de son inconcevable léthargie, ne prenait, à l'instant même, les mesures les plus énergiques pour les punir, pour prévenir de nouveaux outrages, et pour donner à la France une éclatante satisfaction. Vous comprendrez, Monsieur, que je ne saurais rester plus longtemps auprès d'un Gouvernement qui, loin de pouvoir me faire jouir du respect et de la protection dus au Représentant d'une Puissance amie, n'aurait pas même la volonté ou la force de mettre mon existence à l'abri des attentats d'un misérable. Je vous prie donc de me faire savoir, au plutôt, les moyens adoptés par votre Gouvernement pour empêcher Bullock de mettre ses menaces à exécution.

Quant à M. le Secrétaire du Trésor, dont la conduite constitue une grave insulte envers la France, j'ai trop de confiance dans l'élevation des sentiments de Son Excellence le Général Lamar, dans sa haute justice, comme dans ses dispositions bienveillantes à l'égard d'un Gouvernement de qui le Texas n'a reçu que des preuves d'amitié et de sympathie, pour ne pas être convaincu qu'il n'hésitera pas à frapper d'une éclatante réprobation un fonctionnaire coupable d'une telle offense et à donner ainsi à la France la réparation qui lui est due.

Si je devais être trompé dans ma juste attente, je me verrais, Monsieur, dans la pénible nécessité de vous prier de me faire remettre mes passeports et de quitter ce Pays. Et alors, Monsieur, en laissant

au Gouvernement du Roi le soin de pourvoir lui même à la réparation qui lui aurait été refusée, je pourrais, avec confiance, en appeler au jugement du monde civilisé, et rejeter à qui de droit la responsabilité des conséquences que (le ciel m'en est témoin !) j'aurais tout fait pour éviter.

J'ai l'honneur d'être avec une haute considération,  
Monsieur,

Votre très humble  
et très obéissant Serviteur

A. DE SALIGNY

à l'Honorable Monsieur MAYFIELD, *Secrétaire d'Etat.*

MAYFIELD TO SALIGNY.<sup>a</sup>

DEPARTMENT OF STATE

*Austin 29th March 1841.*

SIR

I have the honor to acknowledge the receipt of your Note of the 25th inst complaining of an alledged attack made on you by Mr. Richard Bullock the preceding evening. It is to me as it is to his Excellency the President a source of exceeding great regret that any citizen of this Country should so deport himself towards you (whatever reasons he may have for personal hostility to you) as to give you the least annoyance. This Government has at all times evinced its willingness and readiness to avail itself, of all its constitutional powers to suppress such annoyances, and to punish the perpétrators of them. As an evidence of this fact, I would only call your attention to the past history of the personal controversy existing between Mr. Bullock and yourself. It seems from your own representations, that this controversy had its origin in your refusal to pay Mr Bullock a bill, which he presented to you for the board of yourself and domestics while you remained inmates of his house; for some time that controversy was carried on between you as individuals without reference to your diplomatic character, or any intention on the part of either to refer it to this Government.

It is true that subsequently in private *unofficial* conversation with several gentlemen of the Cabinet you mentioned the conduct of Mr. Bullock towards you as being insulting and intimated, that if he persisted in it; you should feel yourself compelled to make a formal complaint to the Government of his course; but these conversations were considered at the time, as having been induced more by the very friendly personal relations existing between yourself, and the gentlemen with whom they were had; than by any desire, that those

<sup>a</sup> See Records of Department of State (Texas), Book 38, pp. 170-175.

gentlemen should interfere in the matter, farther than to advise Bullock of the impropriety of his deportment, and to remind him of the consequences which a continuance of it might involve. Such I believe was the view taken by them of the object of those verbal and private conversations on your part, and such I know was the desire which they felt, that you should not be subjected to annoyances of any kind; whatever might have induced them, or however trivial in their nature, that they called on Bullock and after representing to him what they then termed the indelicacies of his conduct towards you, went so far as to threaten him with prosecution, if he did not desist from the mention of your name otherwise than in courtesy and respect.

This course on the part of the gentleman to whom I have referred, it is believed, had its full effect with Mr. Bullock at the time, and induced him to send his friend and relation Gen Hunt with whom you were on terms of intimate association to you with a request that your differences might cease, and whatever tendency your answer by Gen Hunt might have had in exasperating him farther towards you, he nevertheless it is believed continued to abstain from all offensive reference to you or your concerns, until he was repeatedly informed of the destruction of his property in the streets by your domestics, and as it was said, by your order. He even then (as it is asserted to this Department) abstained from offensive allusion to you, but meeting one of your domestics in the street, he ordered him to cease from destroying his property and perhaps threatened him with punishment if he did not, and thus leading to an angry altercation, it finally resulted in the personal conflict between them to which you have alluded in your Note of the 25th ultimo.<sup>a</sup>

From all the information which this Department has been able to obtain in regard to this unpleasant affair; it is believed the foregoing presents substantially a true statement of the differences between you and Mr Bullock (without particular reference to the various alledged causes of complaint which he urges against you) up to the time of your official note to this Department of the 19th day of February last, complaining of his attack on your Servant, and demanding his punishment; and to show the desire which was felt and manifested by the Government, on that as well as on all other occasions to shield and protect you and your household from insult or outrage an order was immediately issued by this Department to the Prosecuting Attorney of this District to institute a rigid investigation into the alledged assault upon your domestic, in order that the appropriate punishment might be inflicted upon the perpetrator; which investigation (notwithstanding the embarrass-

<sup>a</sup> Inadvertently written for "instant."

ment thrown in the way by your refusal to permit your servants to give testimony in the only way known to our constitution and laws) resulted in binding Bullock to the District Court (our criminal Tribunal) to answer for the offense in a criminal prosecution.

In the result of that investigation I entertained the hope and confident belief that you were fully satisfied, and had seen in it reasons to appreciate the sincerity with which this Government is at all times animated in its endeavours to preserve the most Cordial and amicable relations towards the Nation you represent; as well as its desire to manifest towards you personally every courtesy and respect to which you are officially and individually entitled; nor could a different impression have been produced after your note of the 28th ultimo, but for the extraordinary and unfounded remarks which in reference to that investigation you make in your last note of the protection afforded Bullock, and of the "inconceivable lethargy" which you imputed to this Government in defending you from his verbal aspersions.

What act of this Government in reference to the controversy between you and Mr. Bullock can have given rise to the assertion that "extraordinary indulgence has been shown him" or that this Government has "permitted him to vomit every day against the Representative of France the most gross insults, and insulting calumnies". I am at a loss to conjecture. If the instituting an immediate and rigid examination into the conduct of the accused, so soon as this Department was officially notified of his having assaulted in a personal quarrel the domestic of the "Representative of France," If a diligent search and enquiry through the evidence to sustain a prosecution against him for the alledged offence, after the "Representative of France," had refused to permit his domestic upon whom the assault was said to have been Committed, to give testimony in support of the Charge, and if the urging that prosecution and having the accused bound over for trial at a Criminal Court be evidences of "extraordinary indulgence" then indeed the imputation that this Government has exhibited such to Mr Bullock may be well founded, but such acts are not what the people of this Country would deem indulgence, and it is easy to imagine that the persons to whom they are shown would readily dispense with them.

In relation to the caluminous expressions which you say Mr Bullock has been permitted to use in reference to you, I have only to remark that this Government keeps no spies to watch the actions or report the street Conversations of its citizens; and if it did, it would no doubt be frequently informed, of as gross and disrespectful, and indelicate expressions used in reference to the President and every other public functionary, as are charged to Mr Bullock in regard to you.

The things are to be deplored, but as they are never considered as doing an injury to him to whom they are applied; especially when his deportment is such as not to deserve them, they have not generally been regarded as worthy of legislative reprobation; so far as to justify a criminal prosecution of them. But it is emphatically denied that this Government has permitted Mr Bullock to use in reference to you, expressions which were either Calumnious, insulting, or disrespectful. It has no evidence that such expressions have been used. Your own information upon the subject seems to have been derived from others, who may have misrepresented the facts; for it does not appear in your representation that he has on any occasion used such expressions when addressing himself personally to you; nor does it appear that he had at any time previous to his ordering you not to come on his premises (which is complained of in your last note) exhibited towards you personally language or actions which were deemed either menacing or slanderous.

In looking over your Note, I am wholly at a loss to comprehend the Idea you intend to convey, by the expression that Bullock has been stimulated in his conduct towards you by the incomprehensible inaction of this Government. In what respect has this Government been inactive when you have invoked its interference for protection, either from the senseless words of an irritated man or from an assault upon your domestic? for you do not pretend to say that until the last transaction of which you complain, he has ever attempted to assault you. So far from this Government remaining inactive upon the subject, it is believed that it has done more than any other Government ever did; and this too entirely with the view of protecting you from what seemed so great an annoyance to you, "The Tavern Keeper Bullock's" remarks respecting your want of faith in your private engagements. Words spoken in reference to a foreign Minister, by a private citizen, are not deemed criminal by any writer on the law of Nations; particularly if they do not relate to him in his character of foreign Minister; but are applied to him in his character as an individual; and this Government being aware of the fact and of its inability to punish Mr Bullock for any expression of his in relation to Mr Saligny, growing out of their personal quarrel, procured an act to be passed at the last session of congress (an exemplified copy of which has been furnished you) declaring that disrespectful and malicious words spoken of a foreign Minister should be punishable upon conviction by fine and imprisonment of the individual uttering them.<sup>a</sup> This act as you are aware was passed entirely with a view to the State of things which you then represented as existing between yourself and Mr Bullock, and should at least to your mind, afford sufficient evidence of the disposition of this Gov-

<sup>a</sup> See Gammel, *Laws of Texas*, II, 534-535.

ernment to go as far as any other Nation ever did in protecting the feelings, sensibilities of foreign Ministers, as well as their persons and household from outrage.

There is a view which may be taken of this subject which seems to me may have some influence in convincing you that Mr. Bullock could not have intended offering an insult to your Government; whatever may have been his intention to you individually. It is this, Mr Bullock is wholly unlearned on subjects of internation[al] Law, and it is presumable that he did not suppose he was offering an insult to France in speaking freely of her representative in his individual character; especially when he could not have been otherwise than informed, that, that very representative was in the frequent habit not only at his own dinner parties; but in the public Streets and grog shops of this city, of speaking in the most opprobrious and disrespectful terms of the Secretary of State the Second highest Executive officer of this Government, and one too through whom the whole of his official intercourse with this Government had to be conducted. If it were not a violation of propriety decorum, and even of the Law of Nations, for the Chargé d'affaires of France accredited to, and residing near this Government, to vituperate, and abuse in terms most offensive and disrespectful Members of the National Congress, and the second Executive officer of the Nation surely the "Tavern keeper Bullock" may be presumed not to have known it to be a National offence, when in the indignation of the moment arising from an accumulation of supposed injuries, he ventured to express his opinion of the author of those injuries.

As regards the course of Dr Chalmers the Secretary of the Treasury in becoming the bail of Mr Bullock, when bound over to the District Court to answer for the offence of assaulting your servant, I have only to say, that it was an individual act of his own having no connection whatever with this Government. Dr Chalmers is a distant relation of Mr. Bullock's lady and has for a Number of years been upon terms of the most intimate friendship and association with him, and was induced no doubt by that consideration to do that which few gentlemen of this city would have refused; if called upon. Were you a stranger to the American character or to the people of this country, I would think it possible that you might be surprized at seeing an individual holding the high office of Secretary of the Treasury becoming bail for a "Tavern or inn Keeper" when bound over to Court upon a charge of criminal conduct; but in this country, and even in the United States (where I believe you long resided) such an act would not be looked upon as so remarkable. Office here as you well know, does not elevate the incumbent above his former associates, and a "Tavern Keeper" may in private circles, and in all social relations, be a fit,

and acceptable companion for the President, as well as for one of his Secretaries, and as far as Mr Bullock's character for general respectability is concerned I believe the time is not very remote when you yourself, acknowledged him as an associate. Nor does the charge of having committed an act in violation of Law, and which may subject the perpetrator to a species of punishment, always carry with it the imputation of infamy; or throw the individual charged beyond the pale of society; hence a man may sometimes be charged with an offence without weakening his claim upon his friends either for sympathy or support. I make these remarks not with the view of justifying the act of Dr. Chalmers in becoming the bail of Mr. Bullock; it was an act with which the Government had no concern whatever, and possibly it might never have been apprized of it, but for its attention being called to the subject by your communication.

Had the agency of Dr. Chalmers in this matter been in the slightest degree connected with his official duties as Secretary of the Treasury, the President from his warm personal regard for you, as well as his great desire, to manifest on all suitable occasions his sincere wish to cultivate the most amicable relations with France; would have needed no suggestions as to the course which a just sense of duty and propriety directed him to pursue; but he can perceive nothing in a transaction wholly private in its character and dictated by the recollections and associations of a long and intimate friendship, which would justify him in administering the official reproof which you seem to think necessary on this occasion.

In respect to the expressions which you charge the Secretary of the Treasury with using in regard to the recent transaction between yourself and Mr Bullock, I have the authority of that gentleman that they are untrue; and I may here remark that the information given you in reference to him may serve as a commentary upon many other communications, which you have doubtless received from those whose greatest object, and delight seems to be the production of discord by the propagation of falsehood; at all events, it is hoped, that the assurance of his never having given such advice as is imputed to him, will be sufficient to relieve your mind from the apprehensions under which it seems to have been laboring since the report was made to you. The recent conduct of Mr. Bullock in his attack on you, while on a visit to the Hon Mr Flood and family, who were boarding in his house as represented in your note of the 25th Inst, meets the unqualified reprobation of the President and his cabinet, and I am instructed to say (which I do with much pleasure) that this Government will take all necessary measures to have it properly investigated and punished as it deserves. The prosecuting Attorney for this District is now absent from this city; but is expected to return in a few days, and so soon

as he arrives instructions will be given him, to institute forthwith such proceedings as may be required under the constitution and laws for the attainment of this end. I am aware that in matters of this kind you assume the position that the constitution and municipal regulations of one Nation are not to be invoked, when the rights of another are alledged to have been violated in the person of its representative. It seems to me that it will require but little reflection on your part, to convince you that your views of this subject are incorrect. It is admitted that the law of Nations is to be resorted to for the purpose of ascertaining the rights and immunities of Foreign Ministers; or for determining what acts on the part of others constitute offenses against them; or the Nations which they represent; but the offence once ascertained, where do you find the rule which provides for the mode or extent of the punishment? It is believed that none such is to be found in the works of any writer on international law; and consequently all Nations are compelled to resort to their own Municipal codes, for the means of carrying out and enforcing within their own territory the provisions of the laws of Nations. In England and in the United States of America, offenses committed against that Law, would as in this country be prosecuted by indictment before a Grand Jury, and trial before a Petit Jury; and although I do not profess to be conversant with the international regulations of France, in respect to her judicial proceedings, still I have no doubt, that offences against the law of nations in that country would be prosecuted before the same tribunal, and according to the same legal forms; which would be observed in the prosecution of offences committed in violation of her Municipal code. In this country you are aware we have a constitution which is the supreme Law of the Land, and that constitution expressly declares that no citizen shall be punished for any offence, until after a legal trial and conviction by a jury of his peers; in which trial he shall have the right of being confronted by the witnesses who testify against him; and of introducing others to testify for him.

With this constitution before us, and with your perfect knowledge, that every officer in the country from the President down to those of the lowest grade have sworn to support it; you cannot be surprised when I say to you that Mr. Bullock can only be tried according to its provisions; and the provisions of such laws as have been made in conformity with it; and the assurance that I have given you, that he will be so tried for the offences alledged against him, ought to be satisfactory to you, and I have no doubt will be to your King and Government.

These remarks are called forth from the extraordinary allusions contained in your last note in which you mention the inexplicable

lethargy of this Government, as well as from the tenor of your former communications to this Department; in which you allude to this subject, then it was not conceived necessary or incumbent on me to attempt a regulation of the positions assumed, so palpably erroneous in principle, as it was confidently believed, that you would see in the action of this Government, that all had been done consistent with the law and usages of civilized Nations. Having said this much I might close this communication; but I cannot in justice to my own Government, without again adverting to the tone, and temper of your note; and without recurring to expressions which it is understood you have frequently made in the streets and elsewhere, intimating your belief, that this Government or some of its higher functionaries at least, have been influenced in the course pursued in reference to this and other transactions in which you were concerned, by feelings of personal disrespect and unkindness to you, or a want of friendship to your Nations.

In what instance may it be asked, has this Government or its Members manifested any other than that of the warmest feeling, and indeed, gratitude for France? or when has the President, or his cabinet, or the citizens at large exhibited towards you personally, any feeling other than that of kindness, courtesy, and respect, except in a few solitary instances; when it was known that an exhibition of such sentiments would not be reciprocated on your part? Did the fact of the Secretary of the Treasury when he redeemed three hundred dollars of Counterfeit Notes, with a view of relieving your reputation from the injurious charge of having put them in circulation, by passing them to a poor man who had labored for you; and then refused to redeem them, manifest this want of friendship to you? Did the fact of the extraordinary bill presented by you to Congress, asking for a grant of three Millions of Acres of land, to be located in strips, on the valley's of our principle rivers, from the Rio Grande, to Red River; together with other extraordinary privileges, passing one branch of the legislature, and coming within a few votes of passing the other,<sup>a</sup> manifest such a feeling? or did the fact of this Government permitting your repeated vituperations of Members of Congress, who voted against your bill; and of a Member of the cabinet, to pass by without reproof, or demanding your recall evince it? I might ask other questions of similar import; but a recurrence to such events is painful to me; and cannot be agreeable to you; and I therefore forbear. If these however and other evidences which you have of the friendly sentiments which have at all times animated the Government and people of this Country in relation to yourself, and the great and chivalrous Nation you represent; com-

<sup>a</sup> The "Franco-Texian bill." Cf. note <sup>c</sup>, p. 1008.

bined with the assurances I have given of the sincere wish and intention of the President and his Cabinet to protect you to the full extent of the law, from every species of annoyance, however produced, are not sufficient to satisfy you, and you still desire your passports; I have only to add that they will be furnished you, at any moment you may demand them, and in referring the causes which shall have led to your departure to the justice of your own Nation and to the impartiality of all others, we shall have no reason to fear the award which may be rendered.

I have the honor to be Sir, with high consideration.

Your Very humble and Obedient Servant

J S. MAYFIELD

To the Hon Monsr. A De. SALIGNY

*Chargé d'affaires of France.*

SEVEY TO MAYFIELD.<sup>a</sup>

SALIGNY TO MAYFIELD.<sup>b</sup>

Légation de France  
au Texas.

AUSTIN, le 31 Mars 1841.

MONSIEUR,

Votre note du 29 ct. m'a été remise hier. Cette note, qui ressemble plus à un plaidoyer passionné en faveur du nommé Bullock et à un libelle diffamatoire contre le chargé d'Affaires de France, qu'à une communication Diplomatique, est d'une telle nature; elle est conçue dans un esprit et rédigée sur un ton si injurieux pour moi, que je m'abstiendrai d'y répondre. Je me bornerai donc à vous en accuser réception; et, jusqu'à ce que j'aie reçu les ordres ultérieurs du Gouvernement du Roi, à qui j'en adresse une copie, je crois devoir suspendre tous rapports avec un Gouvernement qui, lorsque le Représentant de la France s'adresse à lui pour obtenir justice d'outrages sanglants et répétés, ne répond que par des paroles insultantes.

J'ai l'honneur d'être avec une considération distinguée,

Monsieur,

Votre très humble et

très obéissant Serviteur

A. DE SALIGNY

à l'Hon. Monsieur MAYFIELD, Secrétaire d'Etat

<sup>a</sup> March 29, 1841. See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.

<sup>b</sup> A. L. S.

GUILZOT TO HAMILTON.<sup>a</sup>

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MAYFIELD TO FORSTER.<sup>b</sup>

DEPARTMENT OF STATE

*Austin 3rd April 1841.*

SIR:

The relations of this Government with Mr. Saligny, have assumed that attitude that it is a matter of some moment; that this Department should have higher authority than the reports of the day, coming in many instances from irresponsible persons, that this functionary, has used language, and threats derogatory to the character and interests of this Country.

It is understood that Mr Saligny has stated; that he had drawn up a representation intimating the willingness on the part of this Government to countenance, Mr Bullock, in alledged outrages against him and his household, and an unusual lethargy in using its powers to bring him to punishment, for those alledged outrages, if guilty, and that this representation was to be despatched to the Minister of the French Government at Mexico, and would meet, the Hon James Webb, upon his arrival there; who has been despatched by this Government to treat, for our Recognition, of Independence, Amity, and Commerce, with that Government; thereby tending to cripple the Negotiations of Judge Webb, the Envoy Extraordinary and Minister Plenipotentiary of this Government to Mexico, under the convention concluded with England.

You will confer on this Department a favor, and upon the country a service, by furnishing it, all the information in your possession or that has come to your knowledge; touching the subject mentioned

I am Sir, with sentiments of respect and esteem, Very Respectfully  
Your Obt. Servt.

J. S. MAYFIELD.

To THOS GALES FORSTER

*Chf Clk War Department*

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MAYFIELD TO DAINGERFIELD.<sup>b</sup>

DEPARTMENT OF STATE

*Austin 3rd April 1841*

SIR:

The undersigned, with feelings of humbled pride and mortification, has the honor to inform you, that owing to untoward circumstances,

<sup>a</sup> March 31, 1841. See Calendar.

<sup>b</sup> See Records of Department of State (Texas), Book 38, p. 184.

the Government cannot avail herself of your valuable services at the Court of St. Cloud.

The President regrets, that the absence of Present means, coupled with the embarrassed state of the finances of the country, and the depreciated condition of its currency; together with the present inability of the Government to advance Mr McIntosh the arrears due him, presents an insuperable obstacle to the appointment of any other Minister to that Court at present.

The ardent hope is indulged that the efforts of our Loan commissioners abroad will meet with success, and that thereby the Government will be relieved from these embarrassments.

With sentiments of high respect and esteem, I have the honor to be,  
Your most Obt. Servt.

J. S. MAYFIELD

To the Hon

WILLIAM HENRY DANGERFIELD

FORSTER TO MAYFIELD.<sup>a</sup>

MAYFIELD TO SALIGNY.<sup>b</sup>

DEPARTMENT OF STATE  
Austin April 5th 1841

SIR:

I have the honor to acknowledge the receipt of your note of the 31st Ultimo, notifying me of the receipt of my communication of the 29th of the same month; and have deferred replying to the same until this time owing to the difficulty of obtaining a satisfactory translation.

In reply to your late extraordinary note, I have the honor to remark that whatever estimate you may have seen proper to place upon the nature, tone or temper of my last communications; or by whatever character to denominate it, I reiterate it contains assurances; and breathes sentiments of the continued desire upon the part of this Government to cultivate the most courteous, and amicable relations, with the Government of France; as also additional guarantees and assurances that the President and Cabinet would at all times exercise to the utmost the authority of this Government, to have punished all perpetrations of outrages against your person, household, or reputation, and that the necessary legal measures would be taken to insure this end; with the flattering hope, that thereby corresponding and reciprocal sentiments of courtesy, and respect, would be established.

<sup>a</sup> April 4, 1841. See correspondence inclosed with Mayfield to McIntosh, May 12, 1841.  
<sup>b</sup> See Records of Department of State (Texas), Book 38, pp. 176-178.

It is a matter of profound regret that the ever prompt steps taken by this Government, to prosecute to the utmost rigours of the law, all alledged offences against the law of nations, in the instances complained of by you; and the repeated and earnest assurances given of her determination to afford every reparation consistent with the laws and constitution of this Republic; have been so little regarded by, and proven so wholly unsatisfactory to the Representative of the French Nation; whose chivalry and sympathy, was first awakened in behalf our mother country the U. S. and again signally manifested in countenancing and promptly advancing the hopes and prosperity of the Republic of Texas; her junior daughter. The uniform expression of attachment by the Government and people of this country to his Nation together with assurances as strong as true; of our ardent hope that the most friendly correspondence should ever exist between the two Nations appear to have been lost upon, and unsatisfactory to Mr. Saligny—shall this lead to discord and distrust between his nation, and ours? we confidently hope, and believe, that for anything that has occurred; he will not find it in his power to produce such sentiments, or to jeopardize our Negotiations at Mexico or elsewhere. History bespeaks between the two Governments, an indissoluble and unshaken bond of union, sympathy, and friendship.

The threatening intimations contained in your note of the 31st Ultimo, as also the extraordinary and unusual position assumed by you; unprecedented, and without a parallel it is believed, compels the undersigned however painful to call your attention to the true ground you occupy; and the true relations which you bear to this Government.

In your note of the 25th Ult. advising this Department, of an indignity which you say you received from Mr. Bullock, you were pleased to intimate that if this Government did not afford you that prompt, and summary satisfaction you demanded, that you would be under the necessity of asking for your passport. After charging the Government, with the most inconceivable Lethargy in not adopting instantly the most energetic measures for the punishment of the past, and the prevention of future outrages—You further intimate that the Government, wanted the ability, or will to afford you that protection due your Ministerial Character. Neither are wanting! as the assurances, and action of this Government will Show.

Your language in part is this, "If I am doomed to be disappointed in this my just expectations, I shall find myself under the painful necessity to beg of you to send me my passport and to quit this Country." What cause could there have existed for anticipated disappointment? In the former instance complained of the alledged offender was promptly, and rigidly prosecuted.

The President was not able to give you any other assurance than that the alledged offences, should be investigated and punished agreeable to the law and constitution of this country, similar in all respects to that of the Government of the United States—and assurances with which you seem to be wholly dissatisfied—and instead of asking your passport, as you said you intended to do, you denounce the communication addressed to you by this Department in reply to your complaint of the 25th Ultimo, "a defamatory libel, upon the Chargé d' affaires of France." with other language as uncourteous and unjustifiable as unbecoming the official station you occupy, and add that until you receive the ultimate orders of the King your Master, you will suspend all intercourse with this Government.

In reply to which I have the honor to state that you can obtain your passports when you choose to demand them; or can remain in the country, with the exercise of your Ministerial functions suspended in that unofficial character which you have thought proper to assume. Inasmuch as you place yourself in the extraordinary attitude, of declining the exercise of your functions as Chargé d' affaires of France, and all intercourse with this Government; as a matter of course your immunities and privileges as such cease; and no further protection can be claimed by you [than] what the laws extend to her own citizens.

Having voluntarily changed your relations with this Government by a discontinuance of your connections and intercourse with it; you may rest assured, that in your new position as a private individual the same kindly feelings, and sentiments will be continued towards you which have hitherto been cherished.

Had this Government nevertheless been disposed, to have availed herself of the example of other Nations, or to have acted the least harshly towards you it is believed, and could be sustained upon high authority, and the usage and practice of Nations—that if the President had deemed the interest or negotiations of the country likely to suffer detriment; that he would have been justifiable as well as just to this Government in not extending to you this last alternative; but to have demanded your recall of your own Government, or to have ordered your departure from the Country. For it is reported to this Department and that upon the most unquestionable evidence that before you received an answer to your complaint of the 25th ultimo; that you stated "you had prepared a document for the French Minister at Mexico detailing the circumstances of the case complained of which would meet Judge Webb on his arrival," the object of which was to embarrass the negotiations of our Minister to Mexico, who was to depart in a few days. Such a threat and such a line of conduct requires no comment. If it were in the power of Mr Saligny to cripple, or to embarrass our negotiations at Mexico, under

the convention concluded with England, it would be unjust, whatever wrongs he may have suffered, and cruel on his part thus to endanger the Safety of Judge Webb, for whom he professes the most kindly sentiments of friendship. Such an interference in our negotiations with other nations it is confidently believed would not be tolerated by magnanimous and chivalrous France—though powerful she is just.

In concluding this correspondence, I avail myself of the occasion to renew to Mr Saligny assurances of the high consideration, with which I have the honor to be Sir

Very Respectfully, Your Obt. Servt.

J S. MAYFIELD

Hon

Monsr A De SALIGNY

*Charge d' affaires of France.*

MAYFIELD TO McINTOSH.<sup>a</sup>

DEPARTMENT OF STATE

Austin April 8th 1841.

SIR=.

Urged by motives of duty to the Republic of Texas, and an anxiety to cherish and cultivate in the fullest manner harmony and good feeling with the Government of France; and to do justice to others, which cannot but be approved by those who are just themselves, The President is constrained to remonstrate against the longer residence of Mr Saligny as the Representative of France, in this country.

The expression of attachment to his Government with which Mr Saligny was welcomed—the public and private manifestations of courtesy and respect, which have been shown him; and the long forbearance of this Government, in his gross outrages against all propriety and decorum; and flagrant intermeddling in the foreign and domestic relations of our country, do not bespeak the reproaches abuse, and reflections intimated in his letters.

And for these things we are rewarded by his taunts and threats of war—by attempts to embarrass our negotiations for peace with Mexico, and endeavours to excite discord and distrust between our citizens and those who are charged with the administration of our Laws; between the different branches, and officers of Government, between our Nation and his. It would be a matter of profound regret if any of those things would be found in his power.

That friendship which has dictated to this Government to bear with his conduct thus long, lest the interest of his nation here should suffer injury; will induce the King his master to replace an agent, whose dispositions we are constrained to say are such a misrepresentation of the sentiments of his Government; and Whose Con-

tinuance here is inconsistent with order, peace, and respect, and that friendly intercourse which we hope ever to preserve with the Government of France.

His Government cannot but see that by his course of conduct that his residence longer here cannot be useful to his nation; or compatable with the domestic quiet, and interest of this. They will foresee, that if Mr. Saligny persevere in his machinations; and does not cease traducing this Government, her laws, and instructions, and those with whom he is called upon to have intercourse the consequences will be so hazardous to the harmony and good understanding we wish to exist with his nation and ours—the example so humiliating, and at the same time pernicious that we may be forced to order his departure from the country.

He has already seen proper voluntarily to suspend his intercourse with the Government, and is, it is understood on the eve of departure for the United States.

Lay the case before his Government, accompaning it with assurances, that our friendship for the nation is constant and unabating—that there is no object which the President and his Cabinet, and the Country at large have always had more uniformly and sincerely at heart than the continuance of a close union and perfect harmony between the two Governments That faithful to our obligations we have fulfilled them in every point to the best of our understanding and power—that we are ever ready to enter into candid explanations, and do whatever we can be convinced is right, and that in opposing the extravagances of an Agent, whose Character seems prone to strife, and contention, and not sufficiently known to his Government, we have been forced only by a sense of imperious duty.

I have the honor to be Very Respectfully Your  
Obt Servant

J S MAYFIELD

To GEORGE S. MCINTOSH  
*Chargé d' affaires etc.*

HAMILTON TO GUIZOT.<sup>a</sup>

MAYFIELD TO JEWETT.<sup>b</sup>

DEPARTMENT OF STATE

*Austin April 25th 1841.*

SIR

Finding that you have returned to the City, it again becomes my duty to call your attention to another alledged violation of the laws

<sup>a</sup> April 21, 1841. See Calendar.

<sup>b</sup> See Records of Department of State (Texas), Book 38, p. 182.

of Nations. It appears from a communication addressed to this Department by Mr Saligny Chargé d' affaires of France on the 25th Ultimo, that the evening of the preceding day Mr Bullock of this city committed an assault, as it is alledged on the person of Mr. Saligny

It is due to France and the integrity of our laws that enquiry should be instituted, in the matter complained of, and the facts brought before our Judiciary tribunal—and the individual punished as the magnitude of the offence merits. You will therefore take the necessary steps to have the individual complained of prosecuted, and communicate to this Department a report of the final decision and Judgment of the Court in the premises

I am Very Respectfully  
Your Obt Servt

J S MAYFIELD

To HENRY J JEWETT  
*Dist Atty.*

MAYFIELD TO McINTOSH.

DEPARTMENT OF STATE  
*Austin, 12. May 1841.*<sup>a</sup>

Honl GEORGE S. McINTOSH  
*Chargé d'affaires  
to France*

SIR,

It becomes my painful duty to communicate to you, and through you to represent to the King and Government of France, a series of conduct on the part of Mr. Saligny, so extraordinary in its character, as to render his longer residence in this Country as the representative of the French Nation unavailing to his own Government, and highly injurious to ours.

Upon the arrival of Mr. Saligny in this Country as the Charge d' Affaires of France, he was welcomed, not only with the kindly feelings which a grateful recollection of the friendship exhibited by his Government to us, in our early history, was so eminently calculated to inspire, but with such public and private manifestations of Courtesy and respect, as should have been sufficient to convince him of the great desire of the Government and people of Texas to cultivate and promote the amicable relations existing between the two countries, and at the same time, to render his sojourn and residence among us, personally agreeable and pleasant to himself. But this disposition on our part, rendered so apparent by our conduct towards him, seems not to have been appreciated by Mr. Saligny. From

<sup>a</sup> Received July 1. See McIntosh to Roberts, September 8, 1841.

the moment of his reception up to the present time, his arrogance has been such, as to create the impression that he considered himself as the representative of a Great Nation, which, through his instrumentality, had condescended to look with pity on a feeble one, and extend to it its countenance, when no other European power would have thought of such a thing, and as we were indebted to him for the recognition of our Independence by France, we could not object to any course he might think proper to pursue, either with the Government itself, or with its Citizens in his private business transactions. One of his first acts after reaching Austin was the payment of his teamster who had transported his furniture and goods, in counterfeit money, which he afterwards refused to take back or redeem. This money it is said, had been received by him in New Orleans and was pronounced to be counterfeit while in his possession, still he paid it to a poor man who had labor'd for him, and afterwards refused to give him any redress. This affair created much sensation at the time, and to avoid the injurious consequences which would have resulted from it, by destroying the confidence of the community in his integrity, the Secretary of the Treasury gave to the teamster \$300 in lieu of the counterfeit money, and was subsequently reimbursed himself, by the Members of the Cabinet taking the loss upon themselves. See Mr. Sevey's statement.

Shortly after this, Mr. Saligny had a difficulty with his Landlord, in consequence of his refusing to pay his board bill. I know nothing of the merits of that controversy, as it regards the charges made by Mr. Bullock. He is a man who bears a good character in the Country for honesty and probity, and is highly esteemed as a landlord in the City. Mr. Saligny however said that his charges were too high, and he refused to pay them. Be this as it may, it was a private transaction between themselves, in which the Government was not requested by either, for several months, to interfere. It is true, that Mr. Saligny complained in private conversation with several Gentlemen of Bullock's charging him with bad faith in the payment of his debts, but he made no official communication of the fact, and did not seem disposed to giving publicity to the transaction. The Government however, availing itself of information thus indirectly received, and desirous of putting an end to a matter which seemed to give him annoyance, procured an Act of Congress to be passed, which would render liable to punishment by fine and imprisonment, any individual who should speak in disrespectful terms of a foreign Minister.<sup>a</sup> This act, goes as far, if not farther, than any other Nation has ever gone, in providing the means for carrying out that principle of the law of Nations which affords protection to foreign Ministers, and as it was

<sup>a</sup> See Gammel, *Laws of Texas*, II, 584-585.

known to Mr. Saligny, that it was passed with direct reference to himself, it was hoped that he would see in it the sincere desire which this Government felt to protect him from annoyances of any kind, however those annoyances might have been produced, but no effort on our part seems to have been sufficient to satisfy him. The quarrel between him and Bullock was not only continued, but greatly aggravated on his part, by his causing the property of Bullock to be repeatedly, and as it is said, most wantonly and maliciously destroyed, until it finally resulted in a rencontre between Bullock and that Servant of Mr. Saligny who had been mainly instrumental in the destruction of his (Bullocks) property. This rencontre led to the correspondence which accompanies this communication, and which has finally resulted in Mr. Saligny's refusing all farther intercourse with this Government.

You will perceive by the correspondence, that the legal and necessary steps were immediately taken by this Department for the prosecution and punishment of Bullock for the alleged attack upon Mr. Saligny's servant, and that notwithstanding the embarrassments thrown in the way of that prosecution by Mr. Saligny's refusing to permit his servant to give testimony in the only way known to our Constitution and laws, it nevertheless resulted in causing Bullock to be bound over to our Criminal tribunals to answer for the offence.

In the result of this proceeding, Mr. Saligny by his letter of the 28th. February, expresses himself satisfied, and yet in his letter of the 21st of March in answer to my communication enclosing him a copy of Bullock's memorial to this Government asking redress for his grievances, he taunts and reproaches the Government with not having given satisfaction for the alledged assault made upon his servant.

Some time after this, as you will see from the correspondence, the controversy between Bullock and Mr. Saligny, assumed a more serious aspect, in consequence of Bullocks ordering him not to come upon his premises. This act of Bullock met the unqualified reprobation of the President and his Cabinet, and without the threats and taunts of Mr. Saligny would have been prosecuted and punished with the utmost severity of the law. But the official letter of Mr. Saligny, communicating the transaction to the Department, combined with his indelicate threats made on various occasions in conversations with others of the Vengeance of France, evinced so gross a departure from official propriety, that I felt it to be my duty in replying, to call his attention in a more particular manner than I had previously done, to his course, and to say to him (while reiterating the assurances that all the protection which the laws afforded, should most cheerfully be given him) that if these assurances, and the readiness which we had at all times evinced to carry them out, did not satisfy him, his passports would be furnished upon demand. This seemed to be the only alterna-

tive left to us by his arrogant deportment, by his repeated threats to produce a war between the two countries, and by a series of other insults in reference to the officers of this Government, which he was daily offering.

Had we been permitted to entertain the belief that Mr. Saligny's course had resulted from an irritated state of feeling induced by his controversy with Mr. Bullock, we would have borne with it, however discourteous and disparaging to this Government, might have been his remarks; but previous transactions, notorious to every one in this community forbid our placing upon his conduct that charitable interpretation. Some time previous to his first official communication to this department respecting the conduct of Bullock, he had procured to be presented to the Congress a bill asking for a grant of three millions of acres of land, and other large privileges, to be confer'd upon two French Gentlemen named in the bill, and such other persons as they might associate with themselves.<sup>a</sup> In the benefits to result from this bill (should it become a law) it was understood, that Mr. Saligny was to be the principal participant, and during its progress through Congress he was constant in his attendance before the different branches of the Legislature, encouraging its friends and attempting to overawe and frown down those who were opposed to it. I, at that time, was a Member of the Representative board of Congress, and looking upon the bill as a most extraordinary one, and wholly adverse in its most prominent features to the interests of my country, I opposed its passage, and for that act I, in common with other members who voted against it, not only incur'd the censure and abuse of Mr. Saligny at the time, but I have from thence up to the present moment, been the object of his continued vituperation and abuse.

About the time of the adjournment of Congress, it was understood that I would be invited into the Presidents Cabinet, and placed at the head of the Department over which I now preside, and to shew Mr. Salignys hostile feelings towards me, he declared, as I am creditably informed, that if I took charge of the Department of State, he would cease all intercourse with the Government. From these circumstances, and from his repeated street conversations in reference to me, I can form no other opinion than that the whole of the dissatisfaction expressed by him towards this Government, has had its origin in the defeat of his "Franco Texian" bill, and the part which I took as a member of Congress in the discussions upon that bill. His controversy with Bullock has been made the pretext for his animadversions, but the real cause of his discontent was the defeat of his bill, and the calling of me to the Cabinet, and he seems to have set out with the determination of either driving me from the Cabinet, or of producing a rupture between this Country and France.

<sup>a</sup> See note <sup>a</sup>, p. 1315.

Since his letter of the 31st March, he has refused all intercourse with the Govt., but declines taking his passports, saying that he will remain in the Country until a new administration comes into power, and that in the mean time he will continue his intercourse with the people, as he believes they will sustain him against the Government, thus attempting to create parties, hostile to the administration of the Government to which he is accredited. Indeed, since the discontinuance of his official intercourse, he has, by exhibiting garbled parts of the correspondence, procured through his friends, the getting up of public meetings, the avowed objects of which were to pass upon what he calls the controversy between himself and the Government, and in which the most inflammatory speeches are delivered and uttered against the administration.

And it is not alone in his attempts to array a party against the administration of the Government in this Country, that Mr. Saligny has departed from that propriety of deportment which should have characterized his course, but he has gone even farther, in his interference in our affairs by attempting to produce difficulties in our negotiations with Mexico which in themselves, are sufficiently delicate and embarrassing. While we were preparing a Mission to Mexico, under the convention recently entered into with Great Britain, the object of which is to negotiate a peace with that Government, Mr. Saligny stated to several, that he had written or would write to the French Minister at Mexico, giving him an account of his quarrel here, with the intention that it should meet our Minister upon his arrival in that country, and as it was intimated, to prevent his reception, or otherwise, embarrass his negotiations.

However much the President was disposed to look over what he was compel'd to regard as the improprieties of Mr. Saligny, while his acts were confined to the limits of the Republic, and being known could be duly appreciated, he could not with any degree of justice to the Country, permit this last act to pass by unnoticed, and without communicating it to his Government. He therefore directs me to say to you, that you will make these things known to the King and Government of France, and respectfully to ask the recall of Mr. Salagny, believing as he does that after such a course of conduct, his longer residence here, can not be rendered profitable to his own Nation, or be calculated to secure and promote that friendship and harmony between the two Governments which is so earnestly desired by this.

The President directs me to say to you, that while addressing the French Government relative to this most unpleasant affair, you will not fail to give it the strongest assurances of our gratitude for the friendly sentiments heretofore manifested by it towards us, and the great desire which we feel to maintain the most amicable relations

with it, and the people of France; and you will at the same time give the assurance, that a disposition sincerely felt, not to take any step which might seem even for a moment calculated to disturb those relations, has restrained the President up to the present time, from complaining of Mr. Salignys course to his Government, and would have restrained him still longer, could he have entertained the hope that his forbearance would be appreciated by Mr. Saligny, or have induced him to pursue a course, less derogatory to his character as the Representative of a great and friendly nation.

In looking over the correspondence, you will observe that it has been badly copied, a fact which did not come to my knowledge untill it was too late to prepare another Copy for the conveyance by which this is sent. It is however substantially correct, and you will be able to extract such matters from it as you will find necessary to lay before the Kings Government.

This business has from its commencement, been regarded by this Department as a most unpleasant one, and I have endeavor'd, as far as it was possible, without an utter disregard to the respect which was due, to ourselves as a Nation, to prevent its assuming the character which I am now compel'd to give it. We would have borne much from Mr. Saligny, and did bear much, in consideration of the Nation he represented, before we would allow ourselves even to notice a series of arrogant assumptions, and threats, made not so much in his correspondence with the Department, as in his conversation with others, with the view of their exercising an influence upon the administration by exciting the public Mind with the fear of his producing a state of hostility between the two Countries; but when he undertook to interfere with the foreign relations of this country, relations in which his Government had no interest, and that too for the purpose of embarrassing us, in a most important and delicate mission, we could no longer look upon forbearance as being proper, either as respected ourselves, or as respected the King and Government of France.

While presenting these things therefore to the Government of the King, with all the delicacy which the occasion requires, you will remonstrate with proper firmness, against the longer residence of Mr. Saligny in this Country; at the same time, giving the most unqualified assurance of our desire, that the friendly intercourse between the two Governments may be resumed, and kept up, through the medium of such other agent as the King may be pleased to send to this Country.

I have the honor to be

with great respect

Your obdt servt

JAS S. MAYFIELD

*Secretary of State*

## TREASURY DEPARTMENT

Austin March 29th, 1841

Hon. JAS. S. MAYFIELD,  
Secretary of State.

SIR,

In reply to your verbal request that I would furnish you with all the information in my possession respecting M. de Saligny, the chargé d' affaires of the French Government, having passed counterfeit or spurious promissory notes of the Republic of Texas to a waggoner in his employ and refusing to redeem them, I have to state that about the 30th of July 1840 a Mr. James Latham called at this Department and made some complaint that M. de Saligny had given him spurious promissory notes of the Government in payment for hauling his furniture etc. from Houston, and had refused to redeem them with genuine notes. I afterwards heard the Hon. James H. Starr, then Secretary of the Treasury, speaking of the matter, but do not recollect any thing definite that he said, more than his expressing surprize that M. de Saligny should refuse to redeem the counterfeit notes.

On the 4th of August, I think it was, Mr. Latham called at the Department and handed me a note from the Hon. J. H. Starr, of which the following is a copy, viz:

"Will Mr. Sevey give this gentleman the 300 \$ for the counterfeit notes and take his receipt on the back of the affidavit respecting the notes recd. of Mr. Saligny.

(Signed) JAS. H. STARR

Pay it out of a package from City Lots.  
Aug. 4th."

At the same time Mr. Latham gave me six \$50 notes, (which I knew at once to be counterfeit) and an affidavit of which the following is a copy, viz:

"REPUBLIC OF TEXAS  
Travis County  
the 31st July 1840

This day personally appeared James Latham	before me, A. C. Hyde, one of the acting	

Justices of the Peace for said County, and made oath according to law that on the 30th inst. he recd. from Monsieur de Saligny six fifty dollar bills of the promissory notes of the Government. No as follows—221, 180, 234, 238, 323, 242, making in all three hundred dollars, that the same has not been out of my possession and those now presented are the identical notes received from him. Given under my hand and seal this date as above written.

(signed) A. C. HYDE (Seal) (signed) James Latham"  
J. P. T. C.

I found that the numbers on the notes corresponded with the numbers given in the affidavit, and the notes themselves were marked across the face "Counterfeit—Jas. H. Starr". I immediately obeyed the order given by the Hon. Secretary, (who was in another part of the City at the moment) and paid Mr. Latham three hundred dollars as directed, and took his receipt on the back of the affidavit, as follows, viz:

"AUSTIN Aug. 4th 1840

Received of James H. Starr, Secretary of the Treasury, three hundred dollars in genuine notes for the counterfeit notes described within.

(Signed) JAMES LATHAM."

The originals of the foregoing order, affidavit and receipt, together with the counterfeit promissory notes, are now in this Department.

Mr. Starr afterwards informed me that some of the members of the cabinet had agreed to replace the above mentioned sum of three hundred dollars out of their private purses, in order to avoid any difficulty about the matter with M. de Saligny.

It may not be improper to add that I was, at the time the above mentioned occurrence took place, as at present, chief clerk of the Treasury Department.

I have the honour to be

Your Obt. Servant

Wm. SEVER

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CITY OF AUSTIN April 4th 1841.

To Hon. JAMES S. MAYFIELD  
*Secretary of State,*

SIR:—I have the honor to acknowledge the receipt of your note late yesterday afternoon, requesting to be informed relative to aught that has come to my knowledge with regard to the matter at issue between the Chargé d' Affaires of his Majesty the King of the French, and this Government.

In reply, I have to state that M. de Saligny stated to me, as I understood he did to others, that "he had prepared a Document for "the French Minister at Mexico, detailing the circumstances of the "case, which would meet Judge Webb, upon his arrival—" pointing at the same time to a Packet lying upon his table. The object of which communication, as I understand was to embarrass the negotiations of the Hon. Minister Plenipotentiary to Mexico.

I make this communication, under the impression that M. de Saligny could not have intended it as confidential, from the consideration

that he knew my situation towards the Government, and from the fact, that I had heard the statement made prior to my conversation with him.

In conclusion I beg to assure the Hon. Secretary of State that it will at all times afford me pleasure to confer a favor upon the Department over which he presides, as well as to render a service to my country.

I have the honor to be,  
Very respectfully  
Your Ob't Srv't.

THOS GALES FORSTER.

AUSTIN February 24th. 1841

Hon JAMES S MAYFIELD  
*Secretary of State,*

SIR,

In conformity to your instructions dated the 20th of this month I have instituted a Judicial inquiry into the alledged violation of the Laws of Nations said to have been committed by Mr. Richard Bullock a citizen of Austin upon the person of a domestic belonging to the house of the Honorable Charge d'affaires of France at our Government.

The result of this inquiry contained in the accompanying documents marked (A) (B) and (C) I have the honor herewith to transmit you. The Letter of the Hon. Judge Hutchinson (Doc. C) before whom the investigation was had, gives a full statement of the proceedings and the Judicial order, which he issued thereupon.

As the Honorable Chargé d'affairs did not feel himself at liberty to comply with my request, made through your Department, that his Servant should give his testimony before the Judge in relation to the subject of complaint, the investigation of the Court was directed only to the affray of the 19th. For this offence the result of the Judicial enquiry shows that Mr. Bullock the Defendant, has been strictly dealt with according to the Laws of our Republic provided for such cases.

Trusting that the novel and delicate duties which in this instance have devolved upon me in my official capacity, may have been discharged in such manner as to meet the approbation of His Excellency the President,

I have the honor to subscribe myself,  
Your Obt and Humble Servant

HENRY J. JEWETT  
*Dist Atty 3d Jud Dist*

## Document. A

## Information

THE REPUBLIC OF TEXAS

*County of Travis.*

To the Honorable Anderson Hutchinson Judge of the District Court, for the fourth judicial District and Associate Justice of the Supreme Court of the Republic of Texas.

In the name and by the authority of the Republic of Texas, be it remembered that, Henry J Jewett District Attorney of the third Judicial District of the Republic of Texas aforesaid, comes before your Honor and brings with him here, certain instructions in writing directed to said Attorney by the President of said Republic through his Secretary of State James Mayfield. That is to say,

DEPARTMENT OF STATE,  
*City of Austin, Feby 20th. 1841.*

SIR,

Mr Saligny Chargé d'affaires of France yesterday transmitted to this Department, a representation that Mr Richard Bullock a citizen of this City had violated the Laws of Nations by provoking and engaging in an affray with Mr Eugene Pluyette a domestic of his and one of the people belonging to his house.

The President has directed me to instruct you to institute before the proper Judiciary officers an examination into the affair, and adopt such legal measures in prosecution of the same as can be borne out by the laws and usages of nations and our own municipal policy.

It is desirable that the examination be taken in writing. Relying upon your zeal and integrity in sustaining inviolable the usages of Nations and the character of our institutions further or detailed instructions are deemed unnecessary.

I am respectfully your

Obt Servant

JAMES S MAYFIELD

To HENRY J JEWETT Esq

*Dist Atty.*

Whereupon the said District Atty in behalf of the Republic aforesaid, by virtue of the power and authority vested in him by law, and in conformity to the aforesaid instructions on this 22nd day of February in the year of Christ One thousand eight hundred and forty one, gives the Court here to understand and be informed that one Richard Bullock a citizen of the County of Travis in the republic of Texas, aforesaid on the nineteenth day of Feby in the year of Christ One thousand eight hundred and forty one, then and there with force and arms in said county in and upon the body of one Eugene Pluyette a servant of A De Saligny Chargé d'affaires of France in the republic of Texas then and there in the peace of the

republic being, an assault did make and him the said Eugene Pluyette did then and there beat abuse wound and illtreat and other wrongs and enormities then and there did and committed to the great damage of him the said Eugene Pluyette, in violation of the Laws of Nations and against the peace and dignity of the republic.

Whereupon the said District [Atty] who prosecutes in behalf of the Republic as aforesaid prays the consideration of your Honor, in the premises and that due process of Law may be awarded against said Richard Bullock in this behalf and he be held to answer to said Republic touching and concerning the premises aforesaid and do therein what to Law and Justice may appertain.

HENRY J JEWETT

*Dist Atty 3d Jud. Dist Rep Texas*

Upon this Information the following process was awarded,

The Republic of Texas to the Sheriff, Coroner, or other Ministerial officer of the County of Travis or in defect or absence of such officer then to the Marshall of the City of Austin Greeting;

Before the Undersigned Judge of the fourth Judicial District and Associate Justice of the Supreme Court, Information by Henry J Jewett Attorney of the republic for the third Judicial district, predicated on instructions of the Executive through the Department of State, has this day been prefered stating and charging that Richard Bullock a citizen of the Said County on the 19th day of this month with force and arms in and upon one Eugene Pluyette a servant of the Honorable A De Saligny Chargé d'affaires of France at our Republic, then and there being in peace an assault did make and him the said Eugene did beat abuse wound and illtreat, and other wrongs and enormities then and there did and to the great damage of the said Eugene in violation of the Laws of Nations and against the peace and dignity of the Republic.

We therefore command you forthwith to arrest the said Richard Bullock and bring him before the undersigned at the Senate Chamber in the City and County aforesaid on tomorrow at three o'clock P. M. to be examined of the said charge and to be dealt with according to Law and have then and there this warrant.

Witness A Hutchinson Judge etc., this 22nd day of February 1841 and his private seal annexed.

A HUTCHINSON (SEAL.)

On this warrant the following return was endorsed, viz

Recd 22nd Feby

Served 22nd. 1841

Moses Wood

C. C. T.

The evidence in the case marked (B.) is herewith annexed.

## Document (B)

Republic vs Richard Bullock

The defendant appeared and answered by his attorney F A Morris Esq. A motion was made by the Counsel for the Deft that the Deft be discharged on the ground that the warrant was issued without the oath or affirmation required by the Constitution contained in the fifth article of the declarations of rights. Overruled. The defendant pleaded not guilty of the Charge. The following Witnesses were sworn and examined.

Moses Johnson. I was passing up the street and saw Mr Bullock running after some person. As I approached nearer, the person whom Mr Bullock was pursuing appeared to make some resistance. Bullock threw rocks at the man, took up an axe but did not strike. The man picked up a rock, dont know that he threw it, but thought he did. They were afterwards together, saw Mr Bullock strike the man. Did not see whether the man struck Mr Bullock. The man is one who resides with Mr Saligny—rides his horses. I think the Frenchman struck Mr Bullock, but not certain. I think Mr Bullock struck the Frenchman with a rock on the head, afterwards the Frenchman kicked Mr Bullock two or three times and then Mr Bullock pursued the Frenchman with a Club towards Mr Dulongs. This was three or four days since I think on Saturday or Friday last. When I first saw them the Frenchman was running from Mr Bullock.

Cross examined. I do not know the mans name. Know he is about Mr Salignys.

(Signed)

MOSES JOHNSON

Jules Dulong. On the 19th. I heard a noise in the street. Went to the window, saw Mr Bullock running after Mr Salignys servant. When Mr Bullock pursued the servant closely, he laid down a basket he had and turned upon and struck Mr Bullock. Mr Bullock re-torted on him. They had a fight, they were engaged about two minutes. The servant kicked Mr Bullock twice, the servant's face was covered with blood. When the servant was blinded with blood he ran into my store. Mr Bullock pursued him with a Club. I requested him not to come into the store and Mr Bullock went away. I know him to be the servant of Mr Saligny. His name is Eugene Pluyette. Mr Bullock pursued the servant to the door, but did not attempt to come in—used some abusive language. Mr Bullock had a large club in his hand. The servant had a contusion in the head. When I first saw Mr Bullock pursuing the servant Mr Bullock seemed to be in great anger. I did not see the commencement of the affray.

(Signed)

J. DULONG

Reduced to writing by the Recorder, of Austin and signed by the witness in my presence, he having answered and depos'd through a sworn interpreter.

February 23d 1841.

A HUTCHINSON

(Document. C.)

AUSTIN

February 23, 1841

Hon. JAMES S MAYFIELD  
*Secretary of State.*

SIR

On this 22nd instant Henry J Jewett attorney of the Republic for the third judicial district, prefered before me as one of the District Judges, an official information against Richard Bullock, of Travis county, for committing an assault and battery on Eugene Pluyette, a domestic of the suite of the honorable A. De Saligny, chargé de' affaires of France, resident here, and stating the offence to have been committed on the 19th instant in violation of the laws of nations. I issued my warrant for the arrest of the accused and his preliminary examination at the capitol on this day. He was arrested and brought before me at the hour and place appointed. I requested the Mayor of Austin to sit with me, in order that he might take cognizance if from the evidence, the case should seem more proper for his action. The minister of France did not send any witness to be sworn to testify. Two witnesses on behalf of the Republic were sworn and testified; and their testimony reduced to writing, will be copied and transmitted to you, with copies of the information and warrant, by Mr Jewett. Being satisfied from the testimony that the accused ought to be put upon recognizance with sureties to respond to the prosecution at the next term of the District Court of Travis County for the misdemeanor charged as an offence against international law, I ordered him to give sureties accordingly. He has entered into a regular recognizance, with sureties, so to appear answer and defend. Any other or farther proceeding against him did not seem indicated by the evidence or justified by our constitution and laws and the action had appears to be the utmost the laws and usages of nations in such case require.

I have the honor to be, Sir, yr  
Obedient etc.

A. HUTCHINSON<sup>a</sup>

<sup>a</sup> Here ends "Document C". A letter from Jewett to Mayfield, December 11, 1841, on file with the correspondence, states that Bullock's case had been called in the district court of Travis County that week, but that it had been continued to the next term by the defendant, who had been put under bond to appear at that time.

[Next come translations of three letters of Saligny to Mayfield, dated respectively, February 28, March 21, and March 25, 1841.<sup>a</sup>]

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**ADVERTISEMENT OF TEXAN BONDS.<sup>b</sup>**

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**AMORY TO HAMILTON.<sup>c</sup>**

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**HAMILTON TO LAMAR.<sup>d</sup>**

(Private)

LONDON *May 17th 1841.*

MY DEAR SIR:—

My despatches to your Secretaries of State and of the Treasury<sup>e</sup> will inform you how our business is progressing in Europe and of the unexpected check I have received from the French Minister of Finance; but as I feel assured of the good dispositions of the King, I trust my visit to Paris will set all things right. Without the Minister of Finance should positively refuse to allow us to sell our Bonds on the Bank, Mr Lafitte is resolved with all the courage and firmness which belongs to his character, to carry the Loan triumphantly through. The French Government cannot without a breach of faith unexampled even in the treachery of modern diplomacy, refuse us this privilege; if they do, I shall have to let Messrs. Lafitte & Co off their contract, and denounce the conduct of the French Government in the face of all Europe. I think they will find old Lafitte and myself rather troublesome customers. If however, he is compelled by the perfidy and injustice of his own Government to quit the field, I think the Loan under the excitement, will stand a fair chance in England and Holland of as good a contract. But Messrs Lafitte & Co wrote me, that they are resolved to go it, if they are only allowed the privilege of selling the stock on the Paris House.<sup>f</sup> I subjoin the advertisement they have published in the French Papers.

My letter to the Secretary of State, will inform you of my diplomatic proceedings. I am gratified at the delay in the ratification of the Slave trade treaty; as it will enable me to vindicate and sustain this compact to the Senate in person; and before November such events will occur in regard to the exercise of the right of search be-

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\* See the originals under their proper dates and titles.

<sup>a</sup> May 14, 1841. See Hamilton to Lamar, May 17, 1841.

<sup>b</sup> May 15, 1841. See Amory to Mayfield, May 31, 1841.

<sup>c</sup> See Records of Department of State (Texas), Book 41, p. 509.

<sup>d</sup> See Hamilton to Mayfield, May 18, 1841, in Correspondence with Great Britain; Hamilton to Chalmers, of the same date, in *Austin City Gazette*, July 14, 1841.

<sup>e</sup> Copyist's error for Bourse.

tween England and the United States as will demonstrate the necessity or expediency of Texas becoming a party to such a Treaty.

I shall I hope return in September. In the mean time it will be unnecessary to send any other Minister or Chargé as he would not be received or recognized and would have nothing to do, and be an expense to the Republic, and as I cost you nothing, I am a safe Minister, at least, in this respect.

Our friend Judge Burnet I am told simultaneously with my appointment, appointed Genl Green to supersede me; which would now be of no avail. I am too well assured of the kindness and friendship of the Judge, to believe it was done with any intention to hurt my feelings; although it would have been regarded before my return home and [completion]<sup>a</sup> of my Mission as a public mark of disapprobation. I am delighted to hear of your recovery and remain My Dear Sir, with esteem yours faithfully and respectfully.

J. HAMILTON

His Excellency  
President LAMAR.

Mr. Lafitte's advertisement in all the Paris papers on the 14th May. "General Office of Commerce and Industry" Notice—

Messers James Lafitte & Co have taken upon themselves to issue a Loan of 37 Millions of Francs on a/c of the Texan Government upon the following understanding, which is expressed in their agreement viz:

Article 10.—The present contract is concluded upon a formal assurance given by the Texan Envoy that he has obtained the consent or admission of the French Government to the above Loan, and a further assurance that the said Government will facilitate with its moral aid the negotiation of the said Loan of which assurances the Texan Envoy has furnished us with the documentary proofs. The remarks published on the 6th Inst <sup>b</sup> and the Messenger which are the usual organs of the French Govt. being of a nature to inspire the public with doubts as to the security offered for the Loan, opening of the subscription which was [fixed] for the 15th Inst is deferred until further notice

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AMORY TO MCINTOSH.<sup>c</sup>

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AMORY TO HAMILTON.<sup>d</sup>

<sup>a</sup> Here the copyist left a blank as he was unable to decipher the original.

<sup>b</sup> Blank left by copyist.

<sup>c</sup> May 30 [?], 1841. See Amory to Mayfield, May 31, 1841.

<sup>d</sup> May 30, 1841. See Amory to Mayfield, May 31, 1841.

AMORY TO MAYFIELD.<sup>a</sup>

From N. Amory to Genl. Hamilton.

WASHINGTON [CITY] May 15th 1841

Genl. JAMES HAMILTON.

Care of Messers Thos Wilson & Co. Warnford Court London.

SIR.

I have just received despatches from the Government of Texas, apprizing me that the President will convene Congress to meet the middle of June, and directing me to communicate the information to you as speedily as possible. I have also received copies of the correspondence between Mr Saligny Chargé of France and the Government of Texas relative to the quarrel with Mr. Bullock. Although the attitude assumed by Mr Saligny is so threatening, he is by the correspondence placed so completely in error, and the Government of Texas has manifested throughout so strong a disposition to treat France and her representative with consideration and respect, that I cannot conceive that a magnanimous Government like the French will uphold him in the course he has seen fit to adopt, and the unreasonable exactions insisted on by him in redress of the grievances complained of. The Government on the 29th March<sup>b</sup> addressed him a communication reviling the conduct of all concerned in the dispute, and placing him in no very favorable point of view, while its own was shown to have been marked throughout with the nicest regard for the rights and privileges secured to the representative of France by international law and usage (a lucid and able exposé) but which gave him so great offence, he declared all intercourse at an end, until his King should in view of the representations by him made decide on the further steps to be pursued, but not demanding his passport as he had previously signified his intention of doing, unless satisfactory redress should be obtained, altho' declaring the communication above referred to to be an insult etc. This declaration of his drew forth another from the Government of Texas to the effect that altho' justified in ordering his recall or requiring his departure, it would do neither, and that he was permitted to remain in the new attitude he had assumed of private individual; but no longer entitled to ministerial privileges and immunities. A copy of this whole correspondence, went forward to Mr McIntosh Chargé of Texas in France as the Secretary of State wrote me the 24th of April.<sup>c</sup>

<sup>a</sup> May 31, 1841. See Correspondence with the United States. The three letters that follow were transcribed in this.

<sup>b</sup> Mayfield to Saligny of that date.

<sup>c</sup> The only letter of Mayfield to Amory of this date that has been found says nothing of the Saligny correspondence. See Correspondence with United States, in Part II, Addenda to Part I. The Saligny correspondence did not go to McIntosh till May 12.

You Sir, will no doubt consider the matter of sufficient importance to take you to France when you can inspect it. It is voluminous, would be laborious to copy, while the improbability of its reaching you in time or before you see Mr McIntosh, is another reason for not having it copied now, as no Steam Packet goes before the 1st of June and by sail it would probably be a month in reaching [you].

Mr. Amory to Mr McIntosh.<sup>a</sup>

Sent per Ship Charles Carroll 1st June Havre Packet for N. York.

GEORGE S MCINTOSH Esqr.

*Chargé d'affaires of Texas, Paris France.*

SIR:

I fear very much that this and the accompanying communications from the Government of Texas, part of which I just received by Mail, and part of which was sent me some time since to be kept until instructed in regard to the disposal of them, will be too late for the Steam Ship from Boston of the 1st of June. It is very much to be regretted therefore that the later communications had not been sent to Boston direct, which would have gained a day and greatly facilitated their prompt transmission. I now write to General Hamilton acquainting him with the substance of the latter portion as I did some time since of the first of the correspondence.

I suppose you will have previously received the first portion and he will have perused it, as no doubt the great importance of the questions involved will have decided him upon a movement to France so soon as informed of the dispute between Mr Saligny and the Government of Texas. Col Bee is absent for a week or two.

Yours etc. etc. etc.

Mr Amory to General Hamilton

Sent per Ship South America 1st June from New York to Liverpool.

WASHINGTON May 30th 1841

Gen. JAMES HAMILTON, care of Thos Wilson & Co Warnford Court London.

SIR: I have this morning received from Mr Mayfield Secretary of State of Texas, at Galveston, under date of the 17th May a communication (copy of which I annex) and accompanying instructions for George S. McIntosh Chargé d'affaires of Texas at Paris, which I am directed to forward, but fear will not be in time for the 1st June Boston Steam Packet, the purport of which is to inform the French Government that the conduct of Mr Saligny since official intercourse ceased, between him and the Government of Texas, has been so insupportably arrogant, presumptuous and unwarrantable, in

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<sup>a</sup> Written about May 30, 1841. Cf. the date—May 30, 1841—of the letter written apparently at or near the same time to Hamilton.

fomenting discord between the people and Government of Texas, and in grossly abusing and misrepresenting the character and conduct of the latter, that taken together with his conduct and the tenor of his communications previous to that time (account of which I gave you in a former letter) [they] have rendered it imperative on the President to request his recall and the substitution of some other individual as the representative of France.

Among other charges against Mr Saligny in this last representation, is that, of having acknowledged his motive for suspending all intercourse with the present administration, to have been, that it would not be long until another would be established, disposed to do him justice, and having in the mean time determined to employ himself in warring against the present by exciting the people in the way herein before adverted to. I am thankful Sir, that you are in Europe and devoutly hope, that the difference through your exertions may be adjusted, by changing the present representative on the part of France, for some other more disposed for amicable relations, which becomes so imperiously his duty to cultivate.

Col Bee left here the morning of the 28th for Philadelphia expecting to find his son there and to take him to West Point, but he wrote me on his arrival in N. Y. that very much to his regret he had not found him, and hardly knew how to account for his delay. Mr Mayfield's letter (copy of which follows) is addressed to me upon the supposition that Col Bee is still at Pendleton.

Yours etc. etc. etc. etc.

Mr Bee's son to whom reference is made in the foregoing letter passed through Washington yesterday to join his father on his way to West Point. His paper of admission provides he shall be received as a Texan, which obviates the necessity of four years service in the Army of the United States, upon his paying his own expenses. Col Bee will return in a few days

N. A.

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McINTOSH TO GUIZOT.<sup>a</sup>

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HAMILTON TO GUIZOT.<sup>b</sup>

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HAMILTON TO MAYFIELD.<sup>c</sup>

LONDON July 16th 1841.

SIR:

I do myself the honor of enclosing you a copy of my letter to Mr Guizot Minister of foreign affairs which I addressed him a few days

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<sup>a</sup> July 4, 1841. See McIntosh to Secretary of State, September 8, 1841.

<sup>b</sup> July 12, 1841. See Hamilton to Mayfield, July 16, 1841.

<sup>c</sup> See Records of Department of State (Texas), Book 41, p. 542.

since in consequence of a[n] article I saw in the Paris papers, that a squadron of French Brigs was fitting out for the coasts of Texas, in consequence of a difficulty which had taken place between the President of the Republic and the French Chargé d'affaires M De Saligny. Although I do not attach much importance to this rumor, yet I think the difficulty worth looking to, as the departure of such a squadron would be fatal to the subscription to the loan; and seriously compromit the interest of Texas in Europe.

In regard to the progress of Mr Laffitte's subscription, they do not go on by any means as fast as I could wish. I hope however by a [movement]<sup>a</sup> on foot in London, Hamburg and Amsterdam, to give a new influence to it, and that Messrs Laffitte & Co. may declare the subscription definitive by the 1st September. I shall then hasten to Texas, to aid in those measures calculated to make the resolution permanently beneficial to the country.

No period could possibly be more unpropitious for all financial negotiations founded on securities from our side of the Atlantic. Illinois and Indiana Bonds, are at 56¢. cents, and United States stock of all kinds unsaleable.

I have received a most interesting letter from Mr John Horsly<sup>b</sup> Palmer late President of the Bank of England on the subject of a National Bank for Texas, which I have sent to Mr Bee to have published in the National Intelligencer—for the purpose of diffusing the information it contains. I will during the next month address a Memoir to President Lamar on the subject, that he may, if it meet his concurrence, embrace in his message, the projet of a national institution, without which, the Loan will be of no use to the Republic; except to swell its funded debt.

With my most cordial and respectful salutations to President Lamar, I have the honor to remain Sir, respectfully

Your Obt Servt

J HAMILTON

The Hon.

J S. MAYFIELD

*etc. etc. etc.*

LONDON July 12th 1841.

SIR;

I have received a communication, through the Texas Legation at Washington, stating to me, the fact, that a difficulty arising although from a trivial cause had taken place, between His Majesty's representative at Austin, M De Saligny, and the Texan Government; and that an official despatch under date of the 24th. of April, had been

<sup>a</sup> Here a blank was left by the copyist.

<sup>b</sup> Horsley.

addressed to Mr McIntosh, to be laid before His Majesty's Government, fully detailing all these circumstances of this case.

As I am led to infer, from a paragraph in the Paris papers, that Mr McIntosh's despatches have probably miscarried, and from the importance apparently given to the transaction, that His Majesty's Government have only Mr Saligny's statement before them. I deem it proper to assure Your Excellency, that however inconvenient it is to my engagements in London, I shall leave this for Paris on thursday next the 15th inst for the purpose of having an early interview on this subject.

I am authorized in conjunction with Mr McIntosh, to present a correct statement of the facts in the case, by which, I feel assured, that if the Constitution and laws of Texas, have forbid the President from complying with the requisitions of M De Saligny, that the Government were influenced, by no want of respect, to His Majesty's representative. I beg leave also to state, that in making these explanations, I feel myself amply empowered, to do whatever in the premises the law of Nations, and the courtesies among them, may render necessary, and which I feel assured will be promptly carried into effect, by my Government.

Should anything from misapprehension, have been done, or omitted, by the Government of Texas, to secure the immunities which the Representative of His Majesty may have been entitled in his public capacity, this duty on a proper representation from Your Excellency will be promptly discharged.

Under these circumstances I hope, until I have the honor of laying the case before Your Excellency, and your hearing both sides no decisive measures will be taken, in relation to a matter, of so much delicacy and importance.

You may be assured, that every consideration of friendly respect, towards His Majesty's Government, would forbid the possibility, of the public authorities of Texas, or their people, in being wanting, in a proper regard for, and protection of, the rights of His Majesty's representative.

I have the honor to remain with the greatest respect  
Your Excellency's most Obt Servt

J HAMILTON  
*Envoy of the Republic of Texas*

To His Excellency

M GUIZOT

*etc. etc. etc.*

HAMILTON TO GUIZOT.<sup>a</sup>HAMILTON TO MAYFIELD.<sup>b</sup>

PARIS July 22nd 1841.

SIR:

In conformity to the intimation I had the honor to transmit to you in my letter of the 16th inst I beg leave to inform you that I repaired to this Capital, when I found Mr McIntosh and was happy to ascertain that his despatches had come to hand, communicating the correspondence between yourself and M De. Saligny Chargé d'affaires of the French Government, which he had promptly laid before the Minister of foreign affairs with a very able and appropriate letter from himself. This has left me nothing to do, as Mr McIntosh has met every requisition which the interest and honor of Texas may have made necessary. I should not have come over but for an apprehension that Mr McIntosh, had not received his despatches, or was not in Paris, and if it had not been of the last importance to have prevented at this time any hostile demonstrations or one even of a doubtful character on the part of the French Government on the coasts of Texas. I am happy to assure you, that none such is intended, however tardy the Minister of foreign affairs appear to be in replying to Mr McIntosh's letter of the 5th July requesting M De. Saligny's recall.

I will write by the Boat of the 19th August, on my return to England, to the Secretary of the Treasury on the subject of the Loan, and when in all probability Messers Lafitte & Co. may be able to declare the subscription definite.

I enclose you a copy of a letter I addressed Mr Guizot on reaching Paris; also a copy of Mr. McIntosh's despatch.<sup>c</sup>

I have the honor to remain Very Respectfully  
Your Obt Servt.

J. HAMILTON

(Copy)

PARIS July 21st 1841

SIR:

I arrived here this morning and having had an interview with Mr McIntosh the Chargé d'affaires of the Republic of Texas, and finding him in full possession of the views of his Government and that he had laid its correspondence with M De Saligny with a communica-

<sup>a</sup> July 21, 1841. See Hamilton to Mayfield, July 22, 1841.

<sup>b</sup> See Records of Department of State (Texas), Book 41, pp. 543-544.

<sup>c</sup> The note to Guizot of July 4. See McIntosh to secretary of state, September 8, 1841.

tion from himself before your Excellency, I deem it altogether unnecessary to write you on the subject.

Mr McIntosh's powers are plenary to act in the matter to whom it would be proper it should be exclusively confided.

I have the honor to remain

Your Excellency's  
Most Obt Servt.

J. HAMILTON

His Excellency

Mr GUIZOT

*etc. etc. etc.*

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McINTOSH TO GUIZOT.<sup>a</sup>

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GUIZOT TO McINTOSH.<sup>b</sup>

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McINTOSH TO GUIZOT.<sup>c</sup>

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McINTOSH TO SECRETARY OF STATE [ROBERTS].<sup>d</sup>

PARIS September 8th, 1841

Légation of Texas

Rue Richelieu 36

To the Honorable the Secretary of State  
of the Republic of Texas.

Sir

I Received your despatch of the 12th of May on the 1st of July, instructing me to lay before the Government of His Majesty the King of the French the improper conduct of Mr Saligny and to Request his Recall. In obedience to those instructions, I addressed on the fourth of July the following communication to M. Guizot the Minister of Foreign Affairs. You will perceive that in this communication I adhered not only to the spirit, but as far as possible to the letter of my instructions.

JULY 4. 1841.

The Undersigned Charge d'Affaires for the Republic of Texas begs leave to inform His Excellency M. Guizot Minister of Foreign Affairs that he has just Received a despatch from his Government

<sup>a</sup> August 12, 1841. See McIntosh to secretary of state, September 8, 1841.

<sup>b</sup> August 18, 1841. See McIntosh to secretary of state, September 8, 1841.

<sup>c</sup> September 3, 1841. See McIntosh to secretary of state, September 8, 1841.

<sup>d</sup> A. L. S.

which has enjoined upon him the painful duty of laying before the Government of His Majesty the King of the French, a series of conduct on the part of Mr Saligny the Chargé d'Affaires of France in Texas, which has given great dissatisfaction to that Government, and which it is confidently believed will be disapproved of and discountenanced by his own.

The Undersigned is expressly instructed by the President that while addressing the Government of His Majesty on this most unpleasant subject, he shall give it the strongest assurances of the gratitude of Texas for the friendly sentiments hitherto manifested by France towards her, and the great desire which she feels to maintain and cherish the most amicable relations with a nation which was the first in Europe to Recognize her claims to independence; and at the same time to give the assurances, that a disposition sincerely felt, not to take any Step which might seem even for a moment calculated to disturb these relations, has Restrained the President up to the present time from complaining of Mr Saligny's course to his Govt., and would have Restrained him still longer, could he have entertained the hope that his forbearance would have been appreciated by Mr. Saligny, or have induced him to pursue a course less derogatory to his character as the Representative of a great and friendly Nation.

The Undersigned is expressly instructed by the President that Saligny in Texas, he was Received not only with the kindly feelings induced by a grateful Recollection of the friendship exhibited by his Government towards our own, but with such public and private manifestations of courtesy and Respect as should have been sufficient to convince him of the warm desire of the Government and People of Texas to cultivate and promote the amicable Relations existing between the two Countries, and at the same time to Render his sojourn and Residence in Texas personally agreeable and pleasant to himself. This disposition however seems not to have been appreciated by Mr. Saligny. From the moment of his arrival, his conduct has been arrogant to the last degree not only in his private transactions, but towards the officers of the Government to which he was accredited. The Undersigned is instructed that one of his first acts after having Reached Austin was the payment of a poor man who had transported his furniture and effects from the Sea Coast in Counterfeit money, which he afterwards on being applied to Refused to take back or Redeem. Shortly after this, Mr Saligny had a dispute with his landlord in consequence of his Refusal to pay his bill for board. The Govt. profess to know nothing of the merits of this controversy as Respects the charges of his landlord and Regarded it as a private transaction, in which they were neither Requested nor called upon to

interfere, but on Mr Salignys complaining in private conversations of the language used in Reference to him by Mr Bullock (his landlord,) the Govt. of Texas procured an act of Congress to be passed, Rendering liable to punishment by fine and imprisonment any individual who should speak in disrespectful terms of any Foreign Minister accredited to the Government.<sup>a</sup> This act it is believed by the Undersigned goes as far if not farther than any other Nation has ever gone in providing for the means of carrying out that principle of the law of Nations which affords protection to Foreign Ministers; and as it was known to Mr Saligny that it passed in direct reference to himself, it was hoped that he would see in it the sincere desire which the Govt. of Texas felt to protect him from annoyances of any Kind, however those annoyances might have been produced. It seems however to have insufficient to satisfy Mr Saligny. In the mean time the dispute between Mr Bullock and himself continued and was greatly aggravated on the part of Mr. Saligny by his causing the property of the former to be Repeatedly and as is urged by his adversary wantonly destroyed, until it resulted in a Rencontre between Bullock and that domestic of Mr Saligny who had been mainly instrumental in destroying his (Bullocks) property. This Rencontre led to the correspondence a copy of which the Undersigned has the honor to transmit to his Excellency M. Guizot and which finally Resulted in Mr Saligny's Refusing all further official intercourse with the Govt of Texas.

The Undersigned trusts that M. Guizot will perceive in this correspondence, not only the strong desire entertained by the Texian Govt to preserve the most friendly and amicable Relations with France but also their disposition to preserve inviolate the laws of Nations, by extending to Mr. Saligny and his household every protection which his character as the Representative of a great and friendly nation entitled him to expect. He will perceive that the legal and necessary steps were promptly taken for the prosecution of Mr. Bullock for the assault complained of, and that notwithstanding the embarrassments thrown in the way of that prosecution by the Refusal of M. Saligny to permit his servant to give testimony in the only way known to our constitution and laws (the cause for which Refusal the Undersigned confesses himself at a loss to understand) it nevertheless Resulted in causing Bullock to be bound over to our criminal courts to answer for the offence. Mr. Saligny himself in his letter to the Secretary of State of the 28th of February professes himself satisfied in the Result of this proceeding, and yet in his letter of the 21st of March, he taunts and Reproaches the Govt for not having given him satisfaction for the alledged assault upon his domestic.

<sup>a</sup> See Gammel, *Laws of Texas*, II, 534-535.

Sometime after this, as his Excellency M. Guizot will observe by the correspondence, the controversy between Mr. Saligny & Mr. Bullock assumed a more serious aspect, and finally resulted in Mr. Saligny being himself assaulted by Bullock. This act met with the unqualified indignation of the Govt. and the Undersigned is instructed to state will be punished with the utmost severity of the law; although the terms in which the official letter of Mr. Saligny communicating the fact are couched, are strongly complained of as disrespectful to the Government to which he is accredited.

The Undersigned is instructed to say, that it is not however so much the correspondence of Mr. Saligny of which the Texan Govt. complain as of his gross departure from official propriety and decorum by publicly and privately speaking in terms of vituperation and reproach of different officers of the Govt., by endeavors to excite discord and distrust between our Citizens and those who are charged with the administration of our laws, and by his meddling both in the foreign and domestic Relations of our Country, flagrant instances of which have been forwarded to the Undersigned, with instructions to lay them before the Govt. of His Majesty. During the last winter, Mr. Saligny procured to be presented to the Congress of Texas a Bill asking for a grant of three millions of acres of land and other large privileges to be conferred upon two Gentlemen named in the Bill and such other persons as they might associate with themselves.<sup>a</sup> In the benefits to result from this bill (should it become a law) it was understood that Mr. Saligny was to be the principal participant, and during its progress through Congress he was constant in his attendance upon that body encouraging its friends and endeavouring to frown down those who opposed it, all of whom incurred not only his censure, but were the objects of his public vituperation and abuse. Since his letter of the 21st. of March to the Secretary of State, he has stated, that although he declines all intercourse with the *Government* of Texas he will continue his intercourse with the *people* as he believes they will sustain him against the Govt., thus attempting to create parties hostile to the administration of the Govt. to which he is accredited. Indeed since the discontinuance of his official intercourse with the Govt. he has procured the getting up of public meetings, the avowed objects of which were to pass upon what he terms the controversy between himself and the Texan Govt. and in which the most inflammatory speeches were delivered and uttered against the administration.

Mr. Saligny has likewise interfered most improperly with the Foreign Relations of Texas by attempting to produce difficulties in her negotiations with Mexico, which in themselves are sufficiently

<sup>a</sup> Cf. note \*, p. 1315.

delicate. While a mission was in preparation to be sent to Mexico under the Convention Recently entered into with Great Britain, the object of which was to negotiate a peace with that Govt., Mr. Saligny stated publicly that he had written, or would write to the French Minister at Mexico, giving him an account of his dispute with the Texan Govt. with the intention that it should meet our Minister on his arrival in that Country, and as it was intimated to prevent his Reception, or otherwise embarrass his negotiations. The Undersigned is instructed to state that however much the President of Texas was disposed to look over what he was compelled to Regard as the improprieties of Mr. Saligny while his acts were confined to the limits of the Republic and being Known could be duly appreciated, he could not with any degree of justice to his Country permit this last act to pass unnoticed and without communicating it to his (M. Salignys) Govt.

The Undersigned is therefore instructed by the President to make these things known to the Govt. of His Majesty the King of the French, and Respectfully to ask the Recall of Mr. Saligny, believing as the President does, that after such a course of conduct, his longer Residence in Texas cannot be Rendered profitable to his own Government or be calculated to secure that friendship and harmony between the two Governments which is so earnestly desired by Texas. Under these circumstances, and there being no object which the President and his Cabinet and the People of Texas at large have more sincerely at heart, than the continuance of a close union and perfect harmony between the two Governments, the Undersigned is further instructed to Request of His Majesty the King of the French that these feelings may be Resumed and Kept up through the medium of such other Agents as His Majesty may be pleased to send to the Country.

The Undersigned avails himself of this occasion to offer to his Excellency M. Guizot the assurance of his profound consideration  
signed GEO. S. MCINTOSH.

With the above letter, I sent to M. Guizot a copy of all the correspondence and documents which accompanied your letter of instructions. Having waited more than a month without receiving any reply, I on the 12th of August addressed M. Guizot the following note.

AUGUST 12TH 1841

AUGUST 12TH 1841

The Undersigned Chargé d' Affaires of the Republic of Texas begs leave to call the attention of his Excellency M. Guizot Minister of Foreign Affairs to the letter which he had the honor of addressing to him on the 4th of July last. The Undersigned hopes that the

interest which his Govt. feels in the subject to which that letter Refers will be deemed a sufficient excuse for calling it to his Recollection, and for Respectfully Soliciting an early Response

The Undersigned etc. etc.

signed      GEO S. MCINTOSH.

At length on the 20th August, I received an answer of which the following is a Copy.

PARIS, le 18 Août 1841

MONSIEUR,

J'ai l'honneur de répondre à la lettre que vous m'avez adressée le 4 du mois dernier, et dans laquelle, énumérant une série de griefs imputés par votre Gouvernt. à M. Dubois de Saligny, Chargé d'Affaires du Roi au Texas, vous m'annonciez avoir reçu l'ordre de demander son rappel.

M. de Saligny m'avait déjà rendu compte des fâcheux démêlés qui, malgré tout ce qu'il a pu faire pour les prévenir, ont éclaté entre lui et le Gourt. de la République. Quoique les rapports qu'il a dû m'adresser à ce sujet ne me soient pas tous également parvenus, ceux que j'ai reçus et l'examen attentif autant qu'impartial que j'ai voué à cette affaire, ont suffi Monsieur pour me convaincre qu'à côté des accusations vagues et généralement dénuées de preuves, dont il est l'objet, M. de Saligny a malheureusement à former contre votre Gouvernt. des plaintes aussi graves que légitimes. J'ai vu avec un pénible étonnement que le Représentant de la France au Texas, en butte aux insultes et aux brutalités d'un misérable, avait en vain demandé à plusieurs reprises, que le Gourt. Texien prit des mesures pour faire respecter l'inviolabilité de sa personne et de son caractère. Je n'ai pas appris avec moins de surprise que l'individu qui se faisait un jeu de l'outrager ayant été traduit en justice pour attaques commises contre un des domestiques de M. de Saligny avec l'intention hautement proclamée de continuer d'insulter ce Chargé d'Affaires dans la personne des gens de sa maison, il s'était trouvé un Ministre de la République assez peu pénétré du sentiment des convenances, assez oublieux des devoirs de sa position, pour se faire le protecteur du Coupable, pour lui servir de caution, et pour chercher à circonvenir ses juges. J'ai vu encore, que lorsqu'en dernier lieu, Mr. Dubois de Saligny, publiquement insulté et maltraité par l'homme qu'enhardissait une scandaleuse impunité, s'est plaint au Secrétaire d'Etat de la République de cet odieux attentat, le Représentant de la France, au lieu de la réparation immédiate qui lui était due, au lieu d'une désapprobation hautement et formellement exprimée n'a obtenu qu'une réponse tellement inconvenante qu'il s'est trouvé dans la nécessité de déclarer qu'il cessait tous rapports officiels avec un Gouvernement

qui ne regardait pas comme son premier devoir de faire respecter les agens étrangers accrédités près de lui. Et que pouvait-il en attendre, en effet, s'il est vrai, qu'un autre Ministre de la République, celui-là même qui s'était déjà constitué le protecteur du Sr. Bullock ait applaudi publiquement à l'attentat de cet individu, en exprimant seulement le regret qu'il n'eût pas été jusqu'au *meurtre*?

Enfin, Monsieur, comme si tous les principes consacrés parmi les nations n'eussent pas déjà été suffisamment méconnus dans cette déplorable affaire, je vois le Secrétaire d'Etat du Texas prendre acte de la communication par laquelle M. de Saligny lui avait notifié la cessation de ses rapports officiels avec le Cabinet d'Austin, pour le déclarer déchu *ipso facto* de tous les droits de l'immunité diplomatique et de l'inviolabilité qu'elle devait lui assurer; légitimant ainsi d'avance, pour ainsi dire, les nouveaux outrages, les nouvelles violences qu'un furieux oserait commettre contre le Chargé d'Affaires du Roi. Aussi, M. Dubois de Saligny ne trouvant plus à Austin, de la part d'un Gourt. qui se dit ami de la France, ni la sûreté, ni les égards auxquels il avait droit, s'est-il vu dans l'obligation de quitter cette ville et le territoire de la République. En présence de pareils faits, le Gouvernement du Roi n'a pu voir dans la conduite tenue envers M. de Saligny, dans les procédés étrangers dont il a été l'objet qu'une violation flagrante de toutes les règles du droit international, un manque d'égards envers la France, qui la première entre tous les Etats de l'Europe, a reconnu la nouvelle république du Texas, et qui, depuis, n'a cessé de lui donner des preuves de bienveillante sympathie. C'est pourquoi, loin d'admettre les imputations énoncées contre M. de Saligny, imputations vagues, dénuées de preuve, dépourvues de toute vraisemblance, le Gouvernt. du Roi se tient au contraire, pour indignement offensé dans la personne de cet Agent, et se réserve de poursuivre auprès de votre Gourt. les justes réparations auxquelles il a droit.

Recevez, Monsieur, l'assurance de la considération très distinguée avec laquelle j'ai l'honneur d'être votre très humble et très obéissant serviteur

(Signed)

GUIZOT.

To this communication I made the following Reply

SEPTEMBER 3D. 1841.

The Undersigned Charge d' Affaires for the Republic of Texas has the honor to acknowledge the Receipt of the letter of his Excellency the Minister of Foreign Affairs of His Majesty the King of the French of the 18th of August, in Reply to his communication of the 4th of July last.

The Undersigned Regrets that the view taken by M. Guizot of the subject matter of that communication should be so much opposed to

those entertained by his Government. That what his Government charge as *Specific facts* against Mr. Saligny, should be looked upon by M. Guizot as imputations vague and without proof. He still more Regrets that M. Guizot should have Regarded the fact, of Mr. Saligny's being insulted by a private individual in a private dispute, and the punishment of that offence in the only way known to the laws of Texas, as a violation on the part of the Government of Texas of the laws of Nations, and a want of Respect and good feeling towards France. In making the communication of the 4th of July, the Undesigned but fulfilled a duty imposed upon him by his Government, and having no facts to bring forward in addition to those contained in that communication, he can only refer the matter to this Government for such farther instructions as they may think proper to give him.

The Undersigned avails himself etc. etc.

(signed) GEO. S. MCINTOSH.

Although there are several parts of M. Guizots letter which might be answered without difficulty, I concluded after mature reflection to reply in the above short and general manner, rather than continue a disscussion which could be productive of no possible good, inasmuch as the mind of the Govt. here are evidently made up upon the Subject, they viewing it doubtless entirely through the medium of Mr. Salignys communications, and would only tend to increase the bad feeling already existing on the subject. I wait therefore your further instructions.

I should have stated that before the receipt of M. Guizots reply, I saw a report in the French Journals of the day, intimating that a squadron had been ordered to the coast of Texas in consequence of the above difficulty. I went immediately to demand the truth or falsehood of the report, but met Genl. Cass the American Minister at the porte of the Foreign Office, who informed me, that he had just seen M. Guizot on the subject, who assured him it was false.

Genl. Hamilton is at this time in London. He has not succeeded in negotiating the loan and I fear his chance of success is a bad one. He doubtless however keeps you advised of his proceedings.

Inclosed is an application to the President for the Consulship at Bordeaux.\* M. Dumon the Father is a gentleman of high standing and the son is highly Recommended.

I have the honor to be

Sir

Your Most obt. humble St

GEO. S. MCINTOSH

\*This application has not been found. Paul Emile Dumon, the applicant, was appointed. See Jones to Smith, February 28, 1842.

ROBERTS TO GUIZOT.<sup>a</sup>

[Asks credence for George S. McIntosh, chargé d'affaires of Texas to France.]

## ROBERTS TO McINTOSH.

DEPT STATE

*Austin 26th Sept 1841*

SIR

Genl Hamiltons letter of the 22d July covering a copy of a communication addressed by you to M Guizot on the 4th of the same month—has been received.

It is hoped that before this letter reaches you, this unpleasant business will be satisfactorily adjusted—a matter at this time of very serious importance to the prosperity of this country. Early information to this effect will be extremely gratifying to the President.

The President has been pleased to confer on you the appointment of Chargé d'affaires near the Court of St. Cloud. You will find your commission and letters of credence enclosed.<sup>b</sup>

This appointment would have been made long before this—but hitherto it has been wholly impossible to pay your outfit. Nor is it even now certain that this can be done—but from the general tenor of Genl Hamiltons letter of the 22d July, we have reason to believe that a dft on him would be honord for the amount of your outfit and half years Salary. I cannot, however, venture to draw on him until certain information is received of the success of his labors.

You can communicate with Genl H, and if he is in funds from the sale of our bonds, you will be authorised to draw on him for outfit and half year's salary.

I have the honor to be

Your obt Servant

SAM'L A ROBERTS

*Secretary of State*

— MCINTOSH Esq etc. etc. etc.

DECEMBER 3D. 1841

P. S.

I am instructed to say that a commission and credentials were made out for you, of the date of the foregoing letter, but upon reflection the President concluded not to forward it until the convening of Congress when your appointment could be confirmed, which commission and credentials I now have the pleasure of enclosing you.

I have the honor to be

your obdt servant

*Chief Clerk Dept State.*

<sup>a</sup> September 22, 1841.

<sup>b</sup> See postscript. No copy of the commission has been found. The date of the letter of credence is September 22.

McINTOSH TO SECRETARY OF STATE.<sup>a</sup>

[Relating to McIntosh's salary.]

MCINTOSH TO MAYFIELD.<sup>b</sup>

PARIS November 15. 1841

The Honble.

JAS. S. MAYFIELD

*Secretary of State*

SIR

I take advantage of the present opportunity of forwarding two works of Statistics published by order of the Government of France. The accompanyings copies were sent me by the Minister of Justice for the use of our Government, with a Request that the compliment would be Reciprocated, whenever any Statistical work should be published in Texas.

Allow me to congratulate you on the arrival of the first vessel direct from this Country, and to hope that she may prove the forerunner of a commercial intercourse profitable to both Countries. This advanture has been got up by the energy and exertions of M. Bourgeois (who has had the kindness to take charge of this) and of M. T. Barbey our Consul at this place. The latter gentleman has been unremitting in his exertions in encouraging emigration to our Country

I have Sir the honor to

Your Most obt. St.

GEO. S. MCINTOSH.

SALIGNY TO JONES.<sup>c</sup>SALIGNY TO JONES.<sup>d</sup>SALIGNY TO JONES.<sup>e</sup>

N. ORLEANS, le 16 Janvier 1842.

MY DEAR SIR,

Allow me to make you acquainted with the bearer of this, M. Castro, of Paris, just arrived from Europe and who leaves this morning for Galveston.

<sup>a</sup> A. L. S., November 1, 1841.

<sup>b</sup> A. L. S.

<sup>c</sup> November 21, 1841. See Calendar.

<sup>d</sup> December 6, 1841. See Calendar.

<sup>e</sup> A. L. S. Saligny was preparing to return to Texas. See Calendar under title of Saligny to Jones, November 21, 1841. Cf. Jones to Saligny, March 2, 1842; Smith to Jones, March 15, 1842.

M. Castro has got full powers from M. M. Bosterscitre [?] and De Lapaul to introduce again in Congress, in the name of these Gentlemen, the Franco-Texian Bill.<sup>a</sup> Every preparation has been made in France, with the assistance of rich Capitalists and Manufacturers, to have without delay the measure carried into execution, should Congress give its sanction to it. It is, in my opinion, a plank of salvation offered by Providence to Texas. Shall it be rejected? I beg you to guide M. Castro by your good advice, and to assist him in the accomplishment of his mission: in doing what<sup>b</sup> you will do a great deal to promote the interests of your young country.

Do, give my most respectful and kind salutations to Mrs. Jones and believe me, my dear sir,

very respectfully and truly

Yours

A. DE SALIGNY

I have another favor to ask from you. As you have no Consul at Bordeaux, an important place whence several vessels are shortly to be sent to Texas, I wish the President would appoint as soon as possible in that capacity, Mr. Paul-Emile Dumon.<sup>c</sup> He is young man of education, fully acquainted with the english language, having been educated in the United States, and belongs to a very wealthy and powerful family. His father makes<sup>d</sup> a very large business with the United States; and his uncle M. Dumon, a member of the Chamber of Deputies, Counsellor of State, is one of our ablest politicians, intimate friend of M. Guizot, Minister of foreign affairs. He has strongly recommended his nephew to me for the situation. So I pray you to have the appointment made soon in order to have it confirmed by the Senate.

JONES TO McINTOSH.<sup>e</sup>

DEPART OF STATE

*Austin January 20th 1842*

Hon. G. S. McINTOSH

*Charge d' affaires*

*of the Republic of Texas*

SIR,

You will recieve herewith instructions to present to the Government of his Majesty the King of the French information of the change of administration which has recently taken place in Texas under the provisions of its constitution.

<sup>a</sup> See note <sup>a</sup>, p. 1008.

<sup>b</sup> Which.

<sup>c</sup> See note <sup>a</sup>, p. 1351.

<sup>d</sup> A Frenchman's English for *does*.

<sup>e</sup> Unsigned copy in Jones's hand.

His Excellency the President desires that you embrace the opportunity which will present itself in transmitting this information to His Majesty's Minister of Foreign Affairs, to assure that functionary of the great regret the President feels in entering upon the discharge of the duties of Chief Magistrate of this Nation, to find that the former good understanding which existed between Texas and France has been and still continues to be interrupted by unhappy differences with the late administration and the Hon. Dubois de Saligny his Majesty's Charge d' Affaires and representative to this Government. Differences of this kind greatly to be regretted, at all times, when they may arise between Nations whose interest and strong desire it is to maintain friendly relations (as is the case in the present instance) are more deeply deplored as they have arisen under circumstances of a character, which should not have involved an alienation of previously existing harmony and have reference to a generous and liberal people for whom the President and people of Texas entertain the warmest regard and sympathy—whose Government was the first in Europe to acknowledge our Nationality, and one which has not failed on all occasions since to manifest the most friendly dispositions towards us. Though accidental circumstances may have placed individuals in public stations who have been mistaken in giving proper expression to national feelings and sentiments and in vindicating the character of the people of Texas who are deeply sensible of their high obligations and of the friendship and the courtesys due to the Representative of France, a nation not less distinguished by the sciences which elevate than the refinements which adorn civilized man, the present administration would not be doing justice to these sentiments if it failed to disclaim for the Government and people of Texas the abusive language of which in moments of unfortunate excitement M. De Saligny was the object.

In making satisfactory explanations concerning this lamentable affair to the Government of the King you will also give assurances that the present Executive will, in good faith, exert every facility in his power to punish according to the sacred principles of law the outrages complained of by M. De Saligny his Majesty's Charge d' Affairs, who has given so many valuable proofs on various occasions of his friendship for the Government and people of Texas and for whom the President and the citizens of this country as a community entertain an exalted personal regard.

The President hopes, when you shall have made these representations which these instructions will authorize, that the intercourse between France and Texas will be resumed as heretofore and thereafter continue, in uninterrupted friendship and harmony.

I have the honor to be  
with the highest respect  
Your obt Svt

JONES TO McINTOSH.<sup>a</sup>

[Announcing the personnel of the new administration and referring to McIntosh's financial affairs.]

JONES TO McINTOSH.<sup>b</sup>

[Referring to McIntosh's salary and recalling McIntosh.]

JONES TO GUIZOT.<sup>b</sup>

[Notifying him of the recall of George S. McIntosh as *charge d'affaires* of Texas to France.]

## JONES TO SMITH.

DEPARTMENT OF STATE.  
Austin, February 5th. 1842.

To the Honorable

ASHBEL SMITH,

*Minister Charge d' Affaires  
of the Republic of Texas, etc.*

SIR

You will receive herewith your Commission as Charge d' Affaires to France together with your letter of credence to be presented to his Majesty's Minister of Foreign Affairs, and copies of instructions recently forwarded to your predecessor,<sup>c</sup> which will be for your guidance, so far as the object therein specified may not have been completed by him on your arrival at Paris.

The accumulation of business upon the Executive and this department, occasioned by the present Session of Congress and other causes, render it impossible for me to furnish you with detailed instructions for your governance. You are however well acquainted, with the views of the President in relation to your mission, which have been made known to you in the frequent interviews, which you have recently held, and he relies upon your zeal judgment and discretion to carry them into effect.

So soon as you can arrange your private affairs, it is desirable you should leave for Paris, and more definite instructions will be forwarded to you at the earliest possible moment.

I have the honor to be

With the highest Respect  
Your Obedient Servant

ANSON JONES.

<sup>a</sup> January 21, 1842.

<sup>b</sup> February 4, 1842.

<sup>c</sup> These must have included Jones to McIntosh, January 20, and possibly the letters also of January 21 and February 4, though these relate mainly to McIntosh's private finances.

JONES TO SMITH.<sup>a</sup>

[Inclosing commission of Henri Castro as Texan consul-general for France, and that of Paul-Emile Dumon as Texan consul at Bordeaux; and requesting Smith to procure and forward their exequaturs with the commissions.]

HAMILTON TO JONES.<sup>b</sup>

## JONES TO SALIGNY.

(Copy)

DEPARTMENT OF STATE,  
Austin, March 2d. 1842.

To

A. DE SALIGNY, Esq.

*Chargé d'Affaires of France etc. etc.*

SIR,

I avail myself of the opportunity offered by Mr. Ashbel Smith who goes to France, accredited as the Chargé d'Affaires of this Government, and of Henri Castro, Esq who has received the appointment of Consul General of this Republic for your country, to address you this communication. It is the desire of His Excellency, the President, that the unfortunate difficulties existing between Texas and France, should be immediately arranged to the satisfaction of both parties. The regard and sympathy which he, in common with the people of this country, entertains for France, he has instructed me to assure you, is sincere and ardent as well as his desire to reestablish and perpetuate those friendly relations, which formerly existed, and which are so essential to the promotion of the best interests of the two countries.

For the more speedy attainment of this important object, His Excellency, has instructed me to say that he would be most happy to see you again at your post, near this Government.<sup>c</sup>

I avail myself of the occasion offered in making this communication to renew to you the assurances of my distinguished consideration.

(signed) ANSON JONES.

CERTIFICATE CONCERNING FAURASTE.<sup>d</sup><sup>a</sup> February 28, [1842].<sup>b</sup> March 2, 1842. See Calendar.<sup>c</sup> Cf. Saligny to Jones, November 21, 1841; same to same, January 16, 1842; Smith to Jones, March 15, 1842.<sup>d</sup> Undated and unsigned, but probably given by Saligny on or about the date of the letter in which it was inclosed. See Smith to Jones, March 16, 1842.

SMITH TO JONES.<sup>a</sup>

No 1.

NEW ORLEANS,

March 15. '42

Hon ANSON JONES  
*Secy of State*

SIR,

I arrived in this City to day; and called at once in company with Mr Castro on M de Saligny. The tenor of your letter inviting M de Saligny to return to his post near our Government was quite satisfactory. He was not quite so well pleased at the delay in sending him a letter of this nature—at the same time he assured me that he had been at all times most fully persuaded of the kind feelings entertained for him by his Excellency, the President, yourself and the Nation generally. I explained to him that he would at once perceive that this delay was inevitable, by recollecting that the "Correspondence" had been placed before Congress and that this subject remained in their possession until they should take some action thereon or until their adjournment:—That while the subject was before Congress, it would have been neither delicate on the part of his Excellency to take it into his own hands, nor in accordance with the usage or the spirit of our institutions—That his Excellency had availed himself of the earliest opportunity when he could with propriety do so, to pursue the course he has done. I also left with him for perusal, with permission to copy if he wished to do so, the copy of the despatch sent to Mr. Mac Intosh<sup>b</sup>—to be returned to me tomorrow. M de Saligny will return to Texas by the next Neptune without fail—he would get off in the New York but an urgency of business renders it quite inconvenient for him to leave so early. M de Saligny met me from the first in a spirit of cordiality and took several occasions to express his kind feelings for the welfare of Texas and his warm attachment to his Excellency the President, which he knew was reciprocated!

M de Saligny informed me that Mr Reily refused him even an informal copy of the despatch to Mr Mac Intosh, with an informal copy of which he would not have hesitated, *at that time*, to return to his post near our Government. He had *since* received instructions—if I correctly understood him—from his Government apprising him that a squadron is now in the Gulf of Mexico subject to his orders and directing him to proceed off Galveston harbor and send to our Government his ultimatum. Captain Renard is now in this City waiting Mr de Saligny's orders—his ship the Brillante is at Pensacola.

<sup>a</sup> A. L. S.<sup>b</sup> That of January 20, 1842.

I cannot but regard this termination of the misunderstanding between the two governments as fortunate, and at least as preventing quite opportunely an *awkward position*.<sup>a</sup>

I had some conversation with M de Saligny concerning the recent change in our tariff and its bearing on importations from France made before information of this change could have been received in that Kingdom. M de Saligny regards it as clearly violative of the rights of the foreign importers—he said, he has written to Mr Barbezat not to pay the duties but rather than do so to suffer the goods to be seized—that, he has also written to his Government on this subject. I desire particular instructions on this matter. Will instructions meet me in France?

M de Saligny will propose that the importer give sufficient security for the payment of the duties, subject to the decision of Congress.

M de Saligny clearly assured me that he has been informed in a manner not admitting of doubt, that England is sustaining Mexico at this time. This is certainly—if correct,—not in accordance with the spirit that dictated the “Convention”<sup>b</sup> of which I am the bearer. I am unable to express any opinion on this subject, further than that it appears to me worthy of your attention.

I have the honor to be  
very respectfully  
your obedt servt

ASHBEL SMITH  
*Charge d'aff etc.*

SMITH TO JONES.<sup>c</sup>

No 2.

NEW ORLEANS,  
*March 16th., 1842*

Hon. ANSON JONES,  
Secretary of State,

SIR,

I have had an interview to day with M. de Saligny, Chargé d' Affaires from France to Texas. An account of yesterday's interview with the Hon. Chargé has been already written to your department.

The propriety of sending a French vessel of war to the neighborhood of Galveston to look after the interests of the French Merchants and French Commerce, in case the Mexicans should make a descent on Galveston, was suggested to M. de Saligny and appeared to strike him favorably. Captain Renard left New Orleans this day to join

<sup>a</sup> Cf. Saligny to Jones, November 21, 1841; same to same, January 16, 1842; Jones to Saligny, March 2, 1842.

<sup>b</sup> The reference must be to the convention for British mediation between Mexico and Texas concluded November 14, 1840, but not yet finally ratified.

<sup>c</sup> A. L. S.

his vessel, the Brillante, previously to my interview with M. de Saligny.

M. de Saligny showed me a document from the French Consul at Vera Cruz, furnishing as appears to me sufficient proof that the waggons on board the Progressa, the Mexican prize recently captured by our Navy off Vera Cruz, are the property of a French Citizen, Joseph Faure. M. de Saligny apprised me that these waggon will be reclaimed.

I shall forward with this letter a No. of the Weekly Picayune, containing letters addressed to General Santa Anna by the Hon. Barnard E. Bee and General James Hamilton, and the answers to the same by General Santa Anna.<sup>a</sup> I commend them to your notice as deserving attention, particularly Gen. Hamilton's letter and the answer to it from Santa Anna. The latter have created no small mortification here among the friends of Texas. I have said that the Government of Texas had not authorized such propositions to be made—and emphatically, that the present administration does not sanction them in any manner. This No. of the Picayune also contains an account of the condition of the Santa Fé prisoners. You will perceive they are still in chains, with no present prospect of release.

The news of the invasion of Texas by the Mexicans excites a very lively interest here. The proclamations of His Excellency the President have been republished in the Newspapers of this city, and are highly approved. Men could be obtained in any numbers for our service. The extreme pressure in the money market and a most unusual destruction of confidence among the commercial community, present a less favorable prospect of our obtaining supplies of provisions and munitions of war in considerable quantities. The Commissioners from Galveston, Dr. Levi Jones and J. C. Megginson, Esq., have prepared an address which will appear in the papers of tomorrow:—a copy will be forwarded to your department. A meeting of the Citizens of New Orleans, on the subject of aid to Texas, will I am informed be held tomorrow evening.

Mr. MacRae passed through this City a few days since with despatches from the United States Minister at Mexico to his Government at Washington. Mr. Lumsden who returned from Mexico with Mr. MacRae informed me that the notes which *closed* the correspondence, between Mr. Ellis, the American Minister, and the Mexican Government, were of a very unfriendly character. The Hon. Waddy Thompson, who succeeds the Hon. Mr. Ellis at Mexico, is looked for in this City in a few days. It is understood that he will

<sup>a</sup> This correspondence includes Bee to Santa Anna, December 27, 1841; Hamilton to Santa Anna, January 13, 1842; Santa Anna to Bee, February 6, 1842; Santa Anna to Hamilton, February 18, 1842; Hamilton to Santa Anna, March 21, 1842. For all, see Calendar of Correspondence with Mexico.

go out to Mexico in the United States' Home Squadron—in force. Some persons here regard a rupture between these two powers as almost inevitable.

The facility with which Mr. Falconer, a British subject among the Santa Fé captives, was released, compared with the difficulties met by the American prisoners in Mexico, with other facts, appears to countenance an opinion expressed in my despatch of yesterday concerning the relations of England and Mexico. It cannot have escaped your observation that England is covering the Gulf of Mexico with a network of Steam packets readily convertible into war steamers.

Before closing this letter it may not be deemed amiss to state that Henri Castro, Consul General to France, has taken an active and judicious interest in the affairs of Texas here.

I shall leave tomorrow on my way to France

I have the honor to be,

Very respectfully your Obt. Sevt.

ASHBEL SMITH,  
*Chargé d'Affaires*  
etc.

(Copy <sup>a</sup>)

Mr. Fauraste, an agent of M. Faure, a french citizen and merchant in Mexico, goes to Texas to claim certain Waggons, the unquestionable property of Mr. Faure, which were on board the Progressa, captured by the Texian Squadron.

Mr Faure is represented to be a Gentleman of high respectability and his agent M Fauraste was the bearer of a despatch addressed to M De Saligny, by the french Consul in Verra-Cruz, also of certificates I discover by many Gentlemen of standing, all of them testifying the said Waggon to belong to M. Faure. The Waggons are seven in number, four wheels and very heavy.

Mr Fauraste, or his address can be found at M Capdibielle, a merchant who keeps his store I believe on the Leon.

SALIGNY TO JONES.<sup>b</sup>

[Announcing the appointment of Henry Adolph Cobb, vice consul of France for Galveston and St. Louis, in place of Mr. Barbezat, resigned, and requesting an exequatur for him.]

<sup>a</sup> This is apparently a copy of the "document from the French Consul at Vera Cruz", referred to in Smith's despatch.

<sup>b</sup> L. S., April 24, 1842.

<sup>c</sup> San Luis at the west end of Galveston Island, which seems in 1842 to have been a port of entry. See Gammel, *Laws of Texas*, II, 558.

SALIGNY TO JONES.<sup>a</sup>

[Announcing the appointment of Alexander Lemaire consular agent of France at Liberty, and asking orders for his recognition by the Texan authorities.]

SALIGNY TO JONES.<sup>b</sup>

Légation de France  
au Texas.

GALVESTON, le 29 avril 1842.

MONSIEUR,

Dans le courant du mois d'avril 1841, au moment où la Légation du Roi venait d'être obligée de suspendre ses relations officielles avec le Cabinet d'Austin, je reçus du Ministre de Sa Majesté à Mexico, une lettre par laquelle il réclamait mon intervention pour obtenir du Gouvernement Texien la restitution a M. Sisos, négociant Français établi au Mexique, de 90 balles de farine, embarquées pour le compte de celui-ci à bord de la goëlette mexicaine Anna-Maria, qui, se rendant de Vera-Cruz a Tampico, en novembre 1840, je crois, avait été capturée par les croiseurs Texiens, conduite à Galveston, et vendue dans ce port avec sa cargaison.

La position où, pendant une année, je me suis trouvé placé vis-à-vis du Gouvernement de ce Pays, ne m'a pas permis jusqu'à présent de m'occuper de cette affaire. Mais aujourd'hui, je profite de la reprise des rapports officiels entre le Texas et la Légation de Sa Majesté, pour vous transmettre la réclamation de M. Sisos.

Je suis également chargé, en ma qualité de Représentant d'une Puissance amie et alliée de Sa Majesté Catholique, de présenter à votre Gouvernement une réclamation du même genre, au nom de M. Zuiñaga, Négociant Espagnol, qui se trouvait, comme M. Sisos, propriétaire de farines embarquées sur l'Anna-Maria.

Vous trouverez ci-joint, Monsieur, les copies de la lettre du Ministre du Roi à Mexico, en date du 30 décembre 1840 ainsi que de deux autres lettres et de différentes pièces qui m'ont été envoyées touchant cette double affaire.

Il résulte évidemment de ces différentes pièces que les marchandises réclamées par M. M. Sisor et Zuiñaga, et s'élèvent, pour le premier, à la somme de 1,642 dollars 50 cents, pour le second, à celle de 1,041 dollars 65 cents, étaient la propriété, légitime et de bonne foi, de ces deux messieurs, et je vous prie, en conséquence, de vouloir bien prendre

<sup>a</sup> L. S. April 26, 1842.

<sup>b</sup> L. S.

les mesures nécessaires pour que le montant m'en soit remis le plus promptement possible, afin que je le leur fasse passer. Les principes incontestables sur lesquels repose la réclamation de M. M. Sisos et Zuiñaga, aussi bien que l'extrême empressement que Son Excellence le Président a mis, dans l'affaire récente de M. Faure,<sup>a</sup> à faire appliquer ces principes, ne me permettent pas de croire qu'il puisse s'élever à cet égard la moindre difficulté.

Je saisis avec plaisir cette occasion, Monsieur, pour vous renouveler l'assurance de ma haute considération

A. DE SALIGNY

à l'Honorable ANSON JONES, *Secrétaire d'Etat*

(Copie)

Légation de France  
à Mexico.

MEXICO, le 30 decembre 1840.

MONSIEUR,

Vous verrez par les lettres dont je joins ici des copies, que le sieur Jean-Baptiste-Sisos, négociant Français avait chargé 90 balles de farine à bord de la goëlette Mexicaine *Anna-Maria*, qui a été capturée par des croiseurs Texiens et conduite à Galveston. Je vous serai obligé de faire les démarches nécessaires pour obtenir la restitution de la propriété de M. Sisos et pour lui faire accorder une indemnité convenable dans le cas où l'on aurait déjà disposé de cette propriété.

J'ai en même temps l'honneur de vous prier d'accorder votre appui à la réclamation de M. Zuiñaga, négociant Espagnol, qui est également intéressé dans le chargement de l'*Anna-Maria*.

Agréez, Monsieur, les assurances etc. etc.,

Signé: B<sup>on</sup> Alleye de Cyprey.

Monsieur DE SALIGNY, *Chargé d'affaires de France au Texas.*

(Copie)

VERA-CRUZ, 16 décembre 1842.<sup>b</sup>

MONSIEUR,

Je viens de recevoir l'avis que la goëlette Mexicaine *Anna-Maria*, capitaine Wise, partie de Vera-Cruz pour Tampico, avait été capturée par les Croiseurs Texiens et conduite à Galveston.

J'avais embarqué pour mon compte à bord de ce navire 90 balles de farine, à la consignation de M. Jules Labruère.

<sup>a</sup> See Smith to Jones, March 16, 1842.

<sup>b</sup> Should be 1840.

Je vous remets inclus copie de la facture, telle qu'elle se trouve spécifiée sur le manifeste de ce navire, s'élevant à \$1,642—50 ct.

Je viens vous prier, Monsieur le consul, de vouloir bien transmettre à M. le Ministre de France à Mexico, ma réclamation, afin qu'il digne la faire valoir auprès de notre Représentant dans cette République.

La conduite que le Gouvernement Français a tenue à l'égard des chargeurs du Brick Mexicain *Unico hijo*, qui fut capturé par l'escadre, est un précédent suffisant pour établir la légalité de ma réclamation. Les chargeurs étrangers furent remboursés par le Gouvernement Français du montant de leurs factures.

Je me confie entièrement dans la haute influence de M. le Ministre de France à Mexico pour donner à ma réclamation la plus grande efficacité.

Recevez, Monsieur, etc. etc.

Signé: J. BTE. SISOS.

Monsieur A. GLOUX, *Consul de France*  
à *Vera-Cruz*.

(Copie)

VERA-CRUZ, 19 décembre 1840.

Monsieur le BARON,

La goëlette mexicaine Anna-Maria, Capitaine Wise, qui était partie d'ici pour Tampico, a été capturée par les croiseurs Texiens et conduite à Galveston.

M. Jean Baptiste Sisos, commerçant Français, qui avait chargé pour son compte à bord de ce navire 90 balles de farine à la consignation de M. Labruère, m'a adressé la réclamation que j'ai l'honneur de vous transmettre ci-jointe, avec la copie de la facture qui l'accompagnait.

M. Sisos m'a chargé de vous prier de transmettre ces pièces à M. le chargé d'affaires de Sa Majesté au Texas, pour qu'il obtienne du Gouvernement Texien le remboursement du prix de sa facture.

J'ai l'honneur de vous prévenir, Monsieur le Baron, que M. le Consul d'Espagne m'a conduit un de ses Nationaux M. Zuinaga,<sup>a</sup> négociant en cette ville, qui était aussi intéressé dans le chargement de l'Anna-Maria, et m'a demandé si je voulais bien écrire en sa faveur à M. de Saligny. J'ai fait comprendre à mon collègue et à M. Zuinaga qu'il ne m'appartenait pas de faire une pareille démarche, en ajoutant, toutefois, qu'ils devaient naturellement s'adresser, à cet effet, à M. Calderon de la Barca, Ministre de Sa Majesté Catholique à Mexico.

Ils ont adopté cette idée, et c'est lui qui sera probablement leur intermédiaire auprès de vous.

J'ai l'honneur d'être etc. etc.

Signé: A. GLOUX  
Consul de France.

Monsieur le Ministre de France à Mexico.

(Copie)

Facture des marchandises suivantes, que je remets à Tampico par la Goëlette Anna-Maria, Capitaine Wise, à la consignation de M. I. Labruère.

T. A. 70 Balles de farine marque Tamaris, à \$18-----	\$1, 260
M. L. 20 Balles do. " Landères, a 18-----	360

1, 620

Frais.

Charretée et frais d'embarquement-----	22. 50
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Total -----	1, 642. 50.
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Vera-Cruz 29 novembre 1840.

Signé J. BTE. SISOS.

Pour copie conforme

A. DE SALIGNY

Digo yo capitán Maestre de la Goleta Nacional Anna Maria que se halla anclada en este puerto de Va. Cruz próximo a emprender viage para el de Tampico declaro que he recibido 0.40 Tros H. 20 " à bordo, baxo partida de Registro y con la marca y 60 Tros harina números del margen de Jose Grego. de Suinga Sesenta tres harina de Puebla de à 8 @ ntas de que me doy por entregada a mi entera satisfaccion, y en los mismos términos llegado a Salvamento con dicho buque, me obligo a hacerlo en el citado puerto ó en el que se diere por cumplido mi Registro a D. José del Rio, quien verificada mi fiel entrega, me ha de satisfacer por flete y conducion a razon de dos pesos por tercio, a cuyo debido cumplimiento obligo mi persona y bienes señaladamente el expresado Buque, fletes, aparejas y lo mejor parado de él, segun práctica y ley de comercio firmando quatro de este tenor, cumplido el uno los demas no valgan.

Va Cruz Octubre 28/840.

Ignoro peso y contenido

GUILLO. A. WYSE

Pour copie conforme

A. DE SALIGNY

(Copia)

No. 383.

Factura de lo siguiente que de m/ crgo he remetido à Tampico en la Goleta Megicana *Anna Maria* su Capn. D. Guilo. Ways<sup>a</sup> à consign. de D. José del Rio.

0.40 Tros harina mca Haro à \$17½-----	\$700
H.20 dhos id " Hidalgo à 16½-----	"330
<hr/>	
60 Tros harina	\$1,030
Gastos	
Corretage ½ pC-----	\$5. 15
Conducion al muelle-----	"6. 50
<hr/>	
	11. 65
<hr/>	
	\$1,041. 65

Vera Cruz Octubre 28/840.

JOSE GREGO. DE SUINAGA

Pour copie conforme

A. DE SALIGNY

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SMITH TO McINTOSH.<sup>b</sup>

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SMITH TO BARBEY.<sup>c</sup>

DAINGERFIELD TO SECRETARY OF STATE [JONES].

NEW ORLEANS May 17th 1842

Hon SECRETARY OF STATE.

SIR

The negotiation of the loan by General Hamilton having now been rendered certain, the obstacle to my departure to France, as stated in the communication which I had the honour to receive from your department during my stay at Austin in the month of April has thereby been removed.

I have therefore the honour to state that, I am having settled all my private affairs in this country ready at any moment to depart to France as Charge of the Republic

Having in accordance with the wishes of his Excellency the President notified Mr Foster of the War department of his appointment

<sup>a</sup> Mexican phonetic spelling.<sup>b</sup> May 12, 1842. See correspondence inclosed with Smith to Jones, July 11, 1842.<sup>c</sup> May 13, 1842. See correspondence inclosed with Smith to Jones, July 11, 1842.

as Secretary of legation I deemed my presence in Austin unnecessary. Any communication which the Department of State may wish to address me if sent to our Consul here will be duly forwarded. I have the honour to be

Yr

most obdt Svt

Wm HENRY DAINGERFIELD

MCINTOSH TO SMITH.<sup>a</sup>

CASTRO TO SMITH.<sup>b</sup>

SMITH TO STE. AULAIRE.<sup>c</sup>

STE. AULAIRE TO SMITH.<sup>c</sup>

SALIGNY TO JONES.<sup>d</sup>

[Announcing the appointment of F. Guilbeau, consular agent of France at San Antonio, and asking that orders be issued for his recognition in that capacity.]

WAPLES TO SALIGNY.<sup>e</sup>

[Sends exequatur for H. A. Cobb, as vice-consul of France at ports of Galveston and Saint Louis.<sup>f</sup>]

SMITH TO MCINTOSH.<sup>g</sup>

JONES TO SALIGNY.<sup>h</sup>

[Transmitting exequatur of Alexander Lamar, consular agent of France for "Liberty County," and of F. Guilbeau, consular agent of France for San Antonio.]

<sup>a</sup> May 18, 1842. See correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>b</sup> May 23, 1842. See correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>c</sup> [May 27, 1842.] See correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>d</sup> May 29, 1842.

<sup>e</sup> May 30, 1842.

<sup>f</sup> See note <sup>c</sup>, p. 1361.

<sup>g</sup> June 1, 1842. See correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>h</sup> June 2, 1842.

CASTRO TO SMITH.<sup>a</sup>


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MEMORANDUM RELATIVE TO SALIGNY'S INVESTMENT IN TEXAS BONDS.<sup>b</sup>

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## SALIGNY TO HOUSTON.

HOUSTON, June the 6th 1842

GENERAL,

Availing myself of your kind permission, I have the honor to enclose to your Excellency a copy, certified by me, of the receipt delivered to me by Mr Demorse,<sup>c</sup> as I have mentioned to you, for the sum of \$4280 dollars (Texas money) as also a short memorandum on the subject. As I say in that memorandum, whatever might have been the true motives of the Texian Govt. or its agents, in constantly refusing to deliver me the bounds<sup>d</sup> I was entitled to, and thus preventing the sale I was directed by the owner to make of the same, neither I nor Count Pontois are to be made to suffer for it. I take the liberty, General, to call your earliest attention to our legal claims on this Government, and such is my unbounded confidence in the high sense of Justice of your Excellency and of the Cabinet, that I have no doubt this matter will be speedily and satisfactorily adjusted.

I beg you, General, to receive the assurances of the profound respect with which I have the honor to be

of your Excellency

the obedient servant

signed.

A. DE SALIGNY

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Memorandum

As it is stated in the receipt of M. Demorse, herewith annexed, M. de Saligny, on the 27th of November 1840, deposited at the stock commissioner's office Four thousand two hundred and eighty dollars (4280) in promissory notes of this Govt., to be invested in the funded debt of the Republic of Texas.

M. Demorse remarked to M. de Saligny "that the term fixed by law for issuing *ten per cent bonds* had then expired; that he was entitled only to *eight per cent stocks*; that engraved certificates of said stocks having not yet been received by the Govt., the said bonds could not be delivered immediately; but if M. de Saligny would

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<sup>a</sup> June 4, 1842. See correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>b</sup> Undated. See Saligny to Houston, June 6, 1842.

<sup>c</sup> De Morse.

<sup>d</sup> Bonds.

call in a few days they would be given to him." M. de Saligny was given the enclosed receipt and about a week after called again on M. Demorse, at the stock's commissioner's office and asked for the Bonds. He was told they had not yet been received. To the various applications which M. De Saligny, since that time, made to the same effect, at least twice every week, the same reply was constantly made. By the 10th of April 1841, having received from Count Pontois, whose property the said money was, an order to sell the same, M. de Saligny called again at the stock's commissioner's office, asked for the Bonds, and, as before, was said <sup>a</sup> that the engraved certificate had not yet reached the Govt. He then represented the case as it stood; that the money was not his, but Count Pontois's; and that being ordered by the latter to sell said money, he wished to wait no longer, but to have the promissory notes, he had deposited, returned back to him. That M. Demorse refused to do, saying that the promissory notes were no longer in his hands, but in those of the Govt., by which they could not be *reissued*. So, M. de Saligny, having received nothing but a little bit of paper in the form of a receipt, was prevented from executing Count Pontois's instructions and selling the said bonds, which sale he could have made easily at 33 cents in the dollar, whilst the bonds are not worth now 4 cents in the dollar.

The idea of making either Count Pontois or M. de Saligny suffer for what has been the fault of either the Texian Government or his agent for whose conduct the said Govt. is responsible, cannot be entertained one moment by any one, whatever the true reasons and motives of said conduct might have been. It is therefore expected that the Govt. of Texas will redeem, at it is bound to do, the receipt of M. Demorse, by paying to Count Pontois or his agent fourteen hundred twelve dollars and forty cents (\$1412.40) for money, which amount the said bonds could have readily been sold for in April 1841. together with proper interests from the same time to this day.

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(Copy.)

STOCK COMMISSIONER'S OFFICE  
Austin November 27 1840.

Received on deposit of A. de Saligny Four thousand two hundred and eighty (\$4,280.) dollars to be invested in the Eight per cent stock of the Republic of Texas, for which engraved certificates of said stock will be issued so soon as they are received at this office.

signed. CHARLES DEMORSE  
stock commissioner

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<sup>a</sup> Told.

The money deposited as above, is the property of His Excellency Count E. de Pontois, Ambassador Extraordinary of His Majesty the King of the French near the Sublime Porte.

In consequence of which I have made this declaration. Austin, November 28 1840.

signed.

A DE SALIGNY

SALIGNY TO JONES.<sup>a</sup>

Légation de France  
au Texas.

HOUSTON, le 7 Juin 1842

MONSIEUR,

Je prends la liberté d'appeler votre attention sur la lettre que j'ai eu l'honneur de vous adresser le 29 avril dernier, au sujet de la réclamation de MM. Sisos et Zuinaga,<sup>b</sup> propriétaires de marchandises embarquées à bord de la Goëlette Mexicaine Anna-Maria, qui fut capturée par l'Escadre Texienne, en novembre 1840. Cette affaire est déjà assez ancienne et le Ministre du Roi à Mexico désire que je le mette à même de répondre aux réclamations de ces deux messieurs. Je vous serai donc obligé, Monsieur, de vouloir bien m'en fournir les moyens, et de me faire connaître les intentions du Gouvernement Texien à cet égard.

Je vous prie d'agrérer la nouvelle assurance de la haute considération avec laquelle j'ai l'honneur d'être

Monsieur,

Votre très humble et très  
obéissant serviteur

A. DE SALIGNY

à l'Honorable ANSON JONES, Secrétaire d'Etat

HOUSTON TO SALIGNY.<sup>c</sup>

HOUSTON, June 8th 1842.

To Hon. M. DE SALIGNY

*Charge d'Affaires etc. etc.*

SIR,

Your note of the 6th June instant, in relation to the sum of \$4,280, (Texas money) deposited by you in the office of the Stock Commissioner, for funding, has been received.

I cannot possibly inform you of the true reasons or motives which could have actuated the Government, or its functionary, in thus withholding from you the Bonds and refusing to return you the money

\* L. S.

<sup>b</sup> Zulfiaga.

<sup>c</sup> On the subject of this correspondence, see further Smith to Saligny, March 21, 1845.

when requested; though I hope it was no part of that system of persecution of which you were the object.

I have no power to make you the reparation which you request, for Mr Pontois, but I will avail myself of the occasion of the approaching special session of Congress to represent to that Honorable Body, the circumstances of this claim, and to recommend the same to their prompt attention.

With true respect,

I am,

Your very obt. Servt,

signed

SAM. HOUSTON

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JONES TO SALIGNY.

DEPARTMENT OF STATE

Houston June 8th 1842

SIR,

I have the honor to acknowledge the receipt of your communication under date of the 29th April last with the accompanying documents in relation to the claims of Messrs. Sisos and Zuiñaga, owners of merchandize shipped on board the Mexican Schooner Anna Maria which was captured by one of the national vessels of Texas in Nov. 1840. Also of your note dated yesterday calling my attention to the same.

Your communication should have received an earlier reply but absence from town and an unavoidable press of business upon the Department since my return have until now prevented.

Upon an examination of the documents submitted by M. Sisos in support of his claim to indemnity from this government, I find only a copy of the Invoice of Merchandise with the statement of the interested party that the said Merchandise was shipped on board the Schr. Anna Maria bound from Vera Cruz to Tampico

The claim of M. Zuiñaga a subject of his Catholic Majesty, is in the same situation except that it is accompanied with a copy of a bill of Lading signed by the Captn. of the Mexican Schr. "Anna Maria"

Without entering therefore at present into a consideration of the principles of international Law upon which these claims are based, the absence of all necessary legal proof to substantiate, the circumstances of the losses for which indemnity is asked by M. M. Sisos and Zuiñaga, constitutes of itself a sufficient reason for withholding an acknowledgement of these claims by the government of Texas, at this time.

I avail myself with pleasure of this occasion to renew to you the assurances of my high consideration.

(signed)

ANSON JONES

CASTRO TO SMITH.<sup>a</sup>

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CASTRO TO SMITH.<sup>b</sup>

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SALIGNY TO JONES.<sup>c</sup>

Légation de France  
au Texas.

GALVESTON, le 20 Juin 1842

MONSIEUR,

J'ai reçu la note qui vous m'avez fait l'honneur de m'adresser le 8 Juin, en réponse à mes communications des 29 avril et 7 du courant, relatives à la réclamation de M. M. Sisos et Zuinaga.

En vous transmettant la réclamation de ces deux messieurs, j'y ai joint, pour les marchandises de M. Sisos, la facture, parfaitement en règle, des dites marchandises, ainsi qu'une déclaration signée par un certain nombre de négociants respectables de la Véra-Cruz et certifiée par le consul du Roi en cette résidence: et pour celles de M. Zuinaga, la facture et le connaissance du capitaine de l'Anna-Maria.

Ces pièces, dont les originaux sont entre mes mains, doivent suffire avec la lettre du Ministre du Roi à Mexico, en date du 30 décembre 1840, et celle du consul Français à la Véra-Cruz, en date du 5 Janvier 1841,<sup>d</sup> toutes deux jointes en copie à ma note du 29 avril dernier, pour donner aux droits des réclamants un caractère d'autenticité irrécusable; et, jusqu'à ce qu'il soit constaté (ce qui me paraît non seulement improbable mais impossible) qu'elles ne se trouvent pas être d'accord avec le manifeste de l'Anna-Maria qui doit être entre les mains des autorités Texiennes, je ne vois pas, en vérité, quelles autres preuves légales vous pouvez exiger à l'appui de cette réclamation.

Si M. Sisos ne m'a pas, comme M. Zuinaga, transmis le connaissance du capitaine de l'Anna-Maria, c'est, sans aucun doute, que ce connaissance se trouvait à bord du navire pour être remis au consignataire des marchandises, et que M. Sisos n'avait pas eu la précaution de s'en faire donner un duplicata. Je vais lui écrire à ce sujet.

Permettez-moi, Monsieur, avant de terminer ma lettre, de recommander de nouveau à la prompte attention de votre Gouvernement

<sup>a</sup> June 12, 1842. See correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>b</sup> June 15, 1842. See correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>c</sup> L. S.

<sup>d</sup> The date copied in Saligny to Jones, April 29, is December 19, 1840.

cette réclamation sur la légalité de laquelle il me semble tout-à-fait impossible d'élever aucune objection sérieuse.

Je vous prie d'agrérer, Monsieur, l'assurance de la haute considération avec laquelle j'ai l'honneur d'être  
votre très humble et très obéissant serviteur

A. DE SALIGNY

à l'Honl. ANSON JONES, *Secrétaire d'Etat, Houston.*

SALIGNY TO JONES.<sup>a</sup>

[Announcing the appointment of Jean Frédéric Huttner as consular agent of France for the county of Matagorda, with his residence in the town, and requesting an exequatur for him.]

BARBEY TO SMITH.<sup>b</sup>

CASTRO TO SMITH.<sup>b</sup>

McINTOSH TO SMITH.<sup>c</sup>

SMITH TO BARBEY.<sup>d</sup>

WAPLES TO SALIGNY.<sup>e</sup>

[Transmitting an exequatur for Jean Frédéric Huttner as consular agent of France for the county and port of Matagorda.]

SMITH TO JONES.<sup>f</sup>

<sup>a</sup> L. S., June 26, 1842.

<sup>b</sup> June 28, 1842. See correspondence inclosed with Smith to Jones, July 11, 1842.

<sup>c</sup> June 29, 1842. See Smith to Jones, July 11, 1842.

<sup>d</sup> June 30, 1842. See Smith to Jones, July 3, 1842.

<sup>e</sup> A. L. S., July 8, 1842.

<sup>f</sup> A. L. S., July 11, 1842. See Correspondence with Great Britain and the explanatory note to the title of this letter there given as to the arrangement of the inclosures. The stars between the letters in the series here printed indicate the omission of those given in Correspondence with Great Britain, which can be easily identified without further reference.

Mr. Smith to Mr. McIntosh, Texian Chargé d' Affaires at Paris.

LEGATION OF TEXAS, LONDON,  
103 Jermyn Street, May 12th, 1842.

The Hon. GEO. S. MCINTOSH,

SIR,—I arrived in this place day before yesterday. You should have heard from me ere this time, but I expected to be but a few days behind the post.

Henry Castro, Esq., who is the bearer of this, will hand you a package from the State Department containing some Land Scrip, 9000 acres I believe. Mr. Castro has been appointed, as you are doubtless informed, Consul General of Texas for France. I have a letter from the State Department in regard to his appointment.<sup>a</sup> As some short time, a month probably, will elapse before I leave London, will you have the goodness to procure the exequatur for Mr. Castro, if he shall desire it? He will hand you his Commission.

Mr. Castro leaves London in the morning, he will call on you immediately on his arrival in Paris and give you the American and Texian news much more in detail than could be well contained in a letter. You will be glad to learn that every thing looks favorably for our cause. The Mexicans who have made the invasion have fled, you know, beyond the Rio Grande. From last advices the Texans appear determined to pursue the war to the walls of the City of Mexico, if need be, unless our independence be fully recognized. In the whole affair Gen. Houston has acted with his usual rare sagacity and has added to his great and most justly deserved popularity. You will be glad to learn that Gen. Houston enjoys excellent health. He has sent by me for yourself many kind messages. I will greet you with a cordial welcome.

I have not yet seen Lord Aberdeen. Mr. Everett will introduce me to his Lordship tomorrow. I do not anticipate any delay in the Exchange of the Ratifications.

I am, very sincerely etc. etc.

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Mr. Smith to Mr. T. Barbey, Texian Consul, Paris.

LEGATION OF TEXAS, LONDON,  
103 Jermyn Street, May 13th. 1842.

SIR,—I herewith enclose for you a communication from the State Department of the Republic of Texas.

I have the honor to be, etc. etc. etc.

To THEODORE BARBEY, Esq. Paris.

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<sup>a</sup> That of Jones written February 28 announced it.

Mr. McIntosh, Texian Charge d'Affaires at Paris to Mr. Smith.<sup>a</sup>

LEGATION OF TEXAS, PARIS,  
Rue Richelieu, 36, May 18, 1842.

SIR,— \* \* Mr. Castro has given me his Commission as Consul General and I have sent it to M. Guizot for the exequatur. I likewise received by his hands a package from the Government containing 9600 acres of land scrip. This I will endeavour to dispose of here and I write by this mail to Mr. Ikin the Consul of Texas in London to ascertain if there is any chance of selling it there. I confess to you I am not at all sanguine of success, and in case of failure I confess I shall be placed in a most painful pecuniary embarrassment.

I have been now nearly five years in Europe and never found myself under the necessity of writing to our Government on the subject of money, until last November, when by the failure of Gen. Hamilton's negotiations, I found myself entirely without funds. I immediately wrote to our Government praying them to send me—not the whole amount due me but enough to relieve me from my difficulties. \* \* \*

I have not yet delivered my letter of recall to M. Guizot, nor shall I do so until your arrival here, which I hope you will not postpone longer than you can avoid.

By a late correspondence I have had with M. Guizot on the subject of Saligny, that difficulty may be considered as arranged.

I subscribe myself

Hon. ASHBEL SMITH.

\* \* \* \* \*

Mr. Castro to Mr. Smith.

PARIS le 23 Mai, 1842

MONSIEUR,—Dès mon arrivé à Paris je me suis empressé de voir Monsieur M'Intoch, qui m'a informé des bonnes dispositions du Gouvernement Français en faveur du Texas, et de la satisfaction que donnait généralement le retour de M. de Saligny à son poste. M. Mcintosh a demandé mon Exequatur. Dès que je l'obtiendrai, je commencerai à entrer en relation avec les personnes qui peuvent être utiles au pays sous le rapport agricole et commercial seulement, attendu que la partie diplomatique vous concerne.

J'ai vu avec regret qu'il s'était formé un Bureau d'Intrigue à Paris dans le but d'exploiter la crédulité publique. On m'a informé que deux des chefs de ce Bureau étaient partis pour le Texas dans le but

<sup>a</sup> Letters and parts of letters relating to salaries and the financial affairs of Texan agents or chargés have generally been omitted in printing the correspondence; but those concerning the subject in this case seem to have risen into unusual importance, and they are therefore given.

de solliciter des priviléges et des concessions en attirant l'attention par des promesses et des moyens qui n'ont rien de réel. J'écris à cet effet à Mon. A. Jones. J'engage M. Kennedy, à faire de même. Il serait important que vous signalés du [sic] Général Houston, le danger de donner trop facilement des terres, attendu que si on n'introduit pas des émigrés protégés par le capital, ils seront plus nuisibles qu'utiles au pays. C'est cependant ce qui arrivera si les personnes que je vous signale et qui doivent être dans ce moment à Galveston obtiennent des concessions gratuites. Le Général Houston ainsi que M. Jones m'avaient assuré qu'il ne serait donné de priviléges semblables à celui de M. Kennedy et au mien, du moins pour la France et l'Angleterre qu'après qu'on aurait vu l'effet de nos efforts pour amener des Colons, c'est à dire dans deux ans.

Je livre mon avis à votre bon jugement pour que vous en fassiez l'usage que vous trouverez convenable dans l'intérêt du pays. \* \* \*

Reçus en attend[ant] la nouvelle assurance des mes sentiments  
distingués rue Lafitte No. 18

P. S. Je vous prie de m'informer si vous avez la Commission pour M. Dumont Consul à Bordeaux, ainsi que pour M. Hurtin à Nantes.

Mr. Smith to Mons. le Comte de Ste. Aulaire, Ambassadeur de France.<sup>3</sup>

[Asks an appointment for an interview.]

M. le Comte de Ste. Aulaire to Mr. Smith.<sup>c</sup>

[Will see Mr. Smith any day between eleven and twelve o'clock.]

Mr. Smith to Mr. McIntosh.

LEGATION OF TEXAS London, June 1, 1842.

SIR,—Apprehending there may be some delay in your receiving an official copy of the Proclamation of his Excellency Gen. Houston, blockading the Ports of Mexico,<sup>d</sup> I enclose it for your use. I presume you will deem it proper to furnish an official notification of the blockade to the Government of France.

I have the honor to be, etc.

**Hon. G. S. McINTOSH, etc. etc.**

<sup>a</sup> Damon. See note <sup>a</sup>, p. 1351.

\* Dutton.  
b Undated

Undated.  
May 27, 1842

<sup>a</sup> May 27, 1842.  
<sup>b</sup> March 26, 1842. See *Niles' Register*, LXII, 98.

Mr. Castro to Mr. Smith.

[Extract.]

PARIS 4 Juin 1842.

\* \* \* Nos Journaux annoncent que St. Ana a obtenu en Angleterre un emprunt de \$15,000,000 pour faire la guerre au Texas. Je n'ai pas contredit le fait, parce que j'ignore ce qui se passe. Il me semble qu'il seroit cependant convenable de ne pas laisser le champ libre au chargé d'affaires du Mexique pour contrarier l'émigration et les expéditions du Texas que je pousse par tous les moyens en mon pouvoir.

Agrées l'assurance de ma parfaite considération.

\* \* \* \* \*

Mr. Castro to Mr. Smith.

PARIS, le 12 Juin, 1842.

MONSIEUR,—Je regretterais de ne pas vous voir à Paris si je ne connaissais pas le motif qui vous retient à London. Espérons que vous n'éprouverés pas aucun nouvel obstacle dans l'accomplissement de votre mission.

J'ai besoin de vous voir pour plusieurs objets d'une haute importance.

Le premier est relatif à l'expédition de deux canons à les Texans, dont je traite avec l'administration de la plus forte manufacture d'armes de l'Europe. Ma negociation à cet effet est assés avancée.

Le second concerne M. McIntosh. Sa situation est critique et peut compromettre votre caractère permanent à Paris. Il convient à la dignité du pays que quelque chose d'efficace soit fait pour éviter des inconvenients graves dont j'aurai à vous entretenir.

Je veille les Journaux. Ils sont ingénieux à tirer avantage de tout ce qui peut nuire au Texas. Je connais toutes les manoeuvres de la légation Mexicaine ici. Dès que vous serés à Paris nous combinerons les moyens de contredire tout ce qui ne sera pas exact. Il y a quelques mesures à prendre pour ne pas laisser à la presse le champ libre contre nous.

Le Bateau à vapeur du 1er de Boston doit aporter des nouvelles. Obligés moi de me les faire connaître dès qu'elles vous parviendront.

Comptés sur moi et mon entier dévouement.

Recevés l'assurance de ma parfaite considération.

\* \* \* \* \*

Mr. Castro to Mr. Smith.

PARIS, 15th (sic) Juin, 1842

MONSIEUR,—Depuis la lettre que j'ai eu l'honneur de vous écrire le 10, en réponse à la votre du 7, que M. Seymour m'a remis, j'ai

remarqué dans les journaux l'interpellation de M. d'Israéli à Lord Peel et la réponse à celui-ci, concernant le Texas.

Je ne m'explique pas les assurances que vous me donnez le 7. et la manière ambiguë dont Lord Peel s'exprime le 10. Je vous avoue que je resterai sous de fâcheuses impressions jusqu'au moment où je verrai l'accomplissement de promesses qu'on vous fait, vous savez que ma confiance dans la diplomatie et les diplomates est fort limitée.

L'échange du Traité et le respect du blocus de la part de l'Angleterre, sont des mesures décisives pour l'avenir du Texas. Le Commerce du Mexique interdit aux Grands Pouvoirs, doit amener leur intervention pour la paix. J'écris à cet effet par le Steamer du 19, à son Excellence le Président et à l'honble. A. Jones.<sup>a</sup> Je leur exprime à cet égard l'opinion de plusieurs de nos hommes d'Etat, les plus expérimentés, seulement il faut que le blocus soit effectif; dans la rigidité de cette mesure est la paix, rien ne doit être épargné pour qu'elle soit complète.

Je n'espère pas vous voir avant le mois d'Août. Cette circonstance m'engage à vous communiquer la note confidentielle cy-jointe, que je recommande à votre attention.

Monsieur A. SMITH, Esqr.

*Chargé d'Affaire du Texas en France.*

Note enclosed in above.<sup>b</sup>

[Confidential.]

Je regrette pour plusieurs motifs de ne pas vous voir déjà à Paris. Mais il en est un plus pressant que tous les autres et qu'il est de mon devoir de signaler à votre attention immédiate.

M. McIntosh, n'a comme vous le savez sans doute, reçu aucune provision d'argent de la part du Gouvernement depuis son installation à Paris en qualité de Chargé d'Affaires. Confiant dans les promesses du Gouvernement et dans ses propres ressources il a été obligé [de] contracter quelques dettes pour des dépenses de première nécessité. Ses titres de terres que vous lui avez envoyé ne peuvent pas se négocier à aucun prix. L'état des affaires aux Etats-Unis retarde les remises de son frère. Sous la protection de son titre diplomatique et de la confiance personnelle qu'il inspire, ses créanciers l'ont traité avec indulgence, mais le moment d'une crise arrive. Dès le moment qu'il sera dépouillé de son caractère officiel, ses créanciers deviendront d'autant plus pressants qu'il restera à découvert exposé à être arrêté. N'allez pas croire qu'il se trouve dans l'embarras pour

<sup>a</sup> This letter has not been found.

<sup>b</sup> See note <sup>a</sup>, p. 1375.

une forte somme. Deux mille piastres suffisent à toutes les exigences.<sup>a</sup>

Dans cette situation il n'est pas sans importance de veiller à sa protection car la moindre mésintelligence avec ses créanciers pourrait amener un esclandre dans les journeaux et vous placer personnellement d'une manière désagréable dès votre début à Paris. Les journeaux vendus au parti Mexicain s'empareraient de la question avec d'autant plus d'empressement et d'avantage que le pays a été déjà assez calomnié pour que leurs déclamations ne passent pas inaperçues. Si malheureusement M. M'Intoch était arrêté pour dettes d'honneur contractées comme représentant du Gouvernement les conséquences seraient graves pour le pays, pour lui, mais surtout pour vous.

Il me semble que le seul remède dans cette position critique, est que M. M'Intoch fasse une traite de \$2000 sur le Gouvernement, que vous, lui et moi-même si vous le jugez à propos nous expressions les dangers de la situation et l'importance de ne pas laisser prise à la malveillance. Il ne faut pas que dans ce moment il y ait un juste sujet de plainte contre le pays. Ne penséz vous pas qu'une traite de \$2000 reposant sur une pareille base sera payée? En provision de paiement et par urgence de position si M. M'Intoch recevait en attendant comme une avance de votre part, la moitié de la somme c'est-a-dire \$1000, il attendrait pour le reste, soit des ressources de son frère soit le paiement du Gouvernement.

Je soumets ces réflexions à votre bon jugement et crois vous rendre un service de véritable ami en ne vous laissant rien ignorer des dangers de la situation

\* \* \* \* \*

T. Barbey, Consul of Texas at Paris, to Mr. Smith.

PARIS, ce 28 Juin, 1842.

M. ASHBEL SMITH, Chargé d'Affaires de la République du Texas, à Londres.

Monsieur le Chargé d'Affaires,

J'ai reçu la lettre que vous m'avez fait l'honneur de m'écrire, pour me transmettre ma révocation de Consul de la République du Texas à Paris.<sup>b</sup>

Permettez-moi, Monsieur, de vous exprimer mon étonnement d'une semblable mesure après tous les sacrifices que j'ai faits dans l'intérêt de ce nouvel Etat.

<sup>a</sup> With these statements, cf. McIntosh to Smith, May 18, 1842, in this series of transcripts.

<sup>b</sup> This was doubtless Smith's letter of May 13.

Comme la nomination de M. Castro, mon successeur, a déjà été adressée à M. le Ministre des Affaires Etrangères à Paris pour obtenir l'exequatur du Roi, je crois devoir vous informer que par une dépêche que je viens de recevoir de Galveston, j'apprends que déjà M. Castro a été révoqué de ses nouvelles fonctions par le Gen. Houston, Président de la République,<sup>a</sup> et comme ce serait donner une mauvaise opinion de la stabilité des pouvoirs qu'il confère à ses Agents, et de leur maintien en place, que de réclamer l'exequatur pour M. Castro si cette faveur doit lui être enlevée aussitôt qu'elle lui aura été dévolue je pense donc, Monsieur, que dans l'intérêt du Gouvernement que vous représentez, il est indispensable de surseoir toute démarche à cet égard, jusqu'à ce que vous ayez été informé officiellement des nouvelles mesures prises par le Gouvernement Texien, si, déjà, vous ne les avez reçues.

M. McIntosh m'ayant informé de votre prochaine arrivé à Paris, j'aurai infiniment de plaisir, Monsieur, à faire votre connaissance personnelle.

Veuillez agréer, Monsieur le Chargé d'Affaires, l'assurance de la considération la plus distinguée, avec laquelle j'ai l'honneur d'être, votre très humble et très obéissant serviteur,

[T. BARBEY,  
10 Rue de l'Echiquier.]

\* \* \* \* \*

Mr. Castro to Mr. Smith.

PARIS, le 28 Juin, 1842.

MONSIEUR—La présente a pour unique objet de vous prier de m'envoyer en réponse la Commission de M. Dumon comme Consul à Bordeaux.

Agrées l'assurance de ma parfaite considération.

Monsieur A. SMITH, Chargé d'Affaires du Texas

Londres.

\* \* \* \* \*

Mr. McIntosh to Mr. Smith.

PARIS, Rue Richelieu, 36, June 29, 1842.

SIR,—I have received with pleasure your several letters, and if I have not replied to them, it was only because I had nothing interesting to communicate, and moreover that I was almost in daily expectation of seeing you here. Immediately upon the receipt of yours inclosing a copy of the President's Proclamation,<sup>b</sup> I sent a copy of it (the Proclamation) to Mr. Guizot with a formal notification of the

<sup>a</sup> Castro's appointment was not revoked till November 1, 1842.

<sup>b</sup> Of a blockade of the Mexican ports, March 26, 1842. See Niles' Register, LXII, 98.

Blockade. Not having received any reply from him, I wrote him again two days since requesting an acknowledgement of the receipt of my communication. I cannot doubt however that this Government will recognize the Blockade. Having acknowledged us as an independent nation, the only question that remains open to them, is the question of efficiency. I attribute their delay to the fact that the ministry here are at this time quite absorbed in the elections which are just coming on. I attribute to the same cause their delay in sending me Mr. Castro's exequatur, which I have not yet received. While on this subject, Mr. Barbey our ex-Consul here called on me yesterday and stated that he had just received a letter from a friend in Texas informing him that the President had *annulled* Castro's appointment. I paid no attention however to the report.

I trust you will lose no time in coming to Paris as soon as you can finish your business in London. If the English Government are determined upon the ratification of the treaty, I do not see any object they can have in delaying it. I do not wish to present my letter of recall until I present you as my successor, and my position here becomes daily more unpleasant. Yours very sincerely,

Mr. Smith to Mr. Barbey.

LEGATION OF TEXAS, *London, June 30, 1842*

THEODORE BARBEY, Esq. etc. etc.

Your letter of the 28th. inst was received this morning. I expect to be in Paris early the ensuing week, when the contents of your letter can be the subject of a friendly conversation. In the mean time it appears to me advisable to retain your letter of revocation<sup>a</sup> and to take no steps in this matter until after our interview. I entirely agree with you as to the injudicious policy of frequent change.

I have the honor to be with the highest respect,

Yours etc.,

\* \* \* \* \*

HOUSTON TO SMITH.<sup>b</sup>

EXECUTIVE DEPARTMENT,  
*City of Houston, July 15th., 1842.*

To the Honorable ASHBEL SMITH,

*Chargé d'Affaires etc., etc.*

SIR—I have been informed of the contemplated absence of the Honorable A. de Saligny, Chargé d'Affaires of France near this

<sup>a</sup> See Barbey to Smith, June 28, 1842.

<sup>b</sup> See Records of Department of State (Texas), Book 40, pp. 117-118.

government, and of the causes which lead to it. His health is now bad, and by his continuance here during the summer and autumnal months, his life might be endangered. His absence, therefore, for a few months, meets with the approbation and advice of his friends and the government. Indeed, there is no existing necessity, within the knowledge of the government, why his presence for a short time might not be dispensed with, without detriment to either nation; but, on the contrary, it may prove advantageous to both, that he should make his expected visit, etc., etc., etc., etc.

I have the honor to be, with entire respect,  
Your obedient servant,

SMITH TO JONES.<sup>a</sup>

Hon ANSON JONES  
*Secy of State*  
*Texas*

SIR

My Dispatches to your Department bearing date 30th July, were closed and forwarded about an hour since. The mail for letters by the Boston Steamer of the 4th Instant will close in 25 minutes.

I can only acknowledge the receipt of your letter of June 14th from New Orleans which Mr Bourgeois has *this minute* placed in my hands<sup>b</sup>

I shall with great alacrity afford every aid in my power to Mr Bourgeois in effecting the Loan.

I have the honor to be with great respect  
Your obedient servant

ASHBEL SMITH

LEGATION OF TEXAS  
. PARIS  
Aug 1. 1842.

SMITH TO GUIZOT.<sup>c</sup>SMITH TO ABERDEEN.<sup>c</sup><sup>a</sup>A. L. S.<sup>b</sup>This letter has not been found.<sup>c</sup>August 15, 1842. See Smith to Jones, August 31, 1842.

SMITH TO JONES.<sup>a</sup>17.<sup>b</sup>

LEGATION OF TEXAS, PARIS

15 Aug. 1842

Hon ANSON JONES  
*Secretary of State*  
*Texas*

SIR,

I had an interview with Mr Guizot this morning. He stated that the Government of France will readily act in concert with the United States and England in mediating between Texas and Mexico. He suggested that the unfriendly feelings subsisting between the United States and Mexico might form a reason why that Government would not join France and England in making a triple representation on this subject. He requested me to address him a note on the subject of our conference, and he stated he would instruct the French Ambassador in London to present the subject of joint mediation to the British Cabinet.

I adverted to the Consul Generalship of Texas in France. He remarked, there are great objections to Mr Castro. I replied that my Government cannot necessarily in every case possess all the information that would be desirable in making its Consular appointments; that an intimation from himself that Mr Castro is not acceptable to the Government of France would be followed by my withdrawing his Commission. Mr Guizot stated in reply that of course he was aware that such appointments are often necessarily made from imperfect information; that he was glad to hear my assurance in regard to the withdrawal of Mr Castro's Commission, but still requested me not to do so until after the close of the present short session of the Chambers.

The Consular Office in Paris again becomes vacant. I am not now prepared to recommend any person as suitable for this appointment. My acquaintance with Mr Barbey is of course limited. Mr MacIn-tosh is very clearly of opinion that he should not be reappointed. I have heard him lightly spoken of by the Secretary of the American Legation here. I must add that the little I have seen of Mr Barbey has not prepossessed me in his favor. I transmitted to him his letter of revocation from your department, in May last; notwithstanding which he retains his Consular functions on assurances from some quarter unknown to the Legation here, that he will be reappointed. In view of all the circumstances regarding the Consulate here, I have

<sup>a</sup> A. L. S.; indorsed "Recd 20th Oct 42."

<sup>b</sup> This should be 16. Smith's last dispatch, that of August 13, is numbered 15, and that of August 31, which is next in the series, is also numbered 17.

not deemed it best to signify to the Foreign Office the revocation of his functions, but I shall do so shortly unless I receive positive instructions from your department. I shall look around for some eligible person to discharge the Consular duties here and send his name for the consideration of his Excellency, in my Dispatches by the Steamer of the 3d September from Liverpool.

I have no reason to recal the commendation with which I mentioned Lachlan M. Rate Esq our Consular Agent at London. The interest which so very respectable house as that of Mr Rate in London takes in our affairs has had a manifestly favorable influence on our reputation in England.

I am not informed that Mr Burgeois has made any progress with our Loan here. I am quite sceptical whether any money can be raised in France for Texas. Unfavorable as would be the money market of London, I believe it better than that of Paris. London and Amsterdam are the *only* money marts in Europe, where a *foreign* loan can be negotiated. American credit is at an *extremely low ebb* and *still declining*. I doubt whether a Loan can be negotiated on any terms for Texas. But if deemed desirable to make a trial; transmit to me a detailed statement of the existing liabilities of the country, its revenues through the custom house and from other sources for the last 18 months, with the projet of a loan, its terms, and the means to be hypothecated for its guarantee; and I will inform you promptly whether the monied men of London and Amsterdam will take it.

Has His Excellency considered the propriety of issuing Letters of Marque, in case war continues to be waged with Mexico? The rigid enforcement of the blockade more than any other measure will impel the European powers to mediate efficiently between Texas and Mexico.

I have the honor to be  
very respectfully  
Your obedient servant

ASHBEL SMITH.

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WAPLES TO McINTOSH.<sup>a</sup>

[Relating to McIntosh's salary.]

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GURZOT TO SMITH.<sup>b</sup>

<sup>a</sup>August 18, 1842.

<sup>b</sup>August 22, 1842. See Smith to Jones, November 13, 1842.

## SMITH TO JONES.

No 17

LEGATION OF TEXAS, LONDON

August 31. 1842

The Hon ANSON JONES  
*Secretary of State*

SIR,

Agreeably to the course suggested by Mr Guizot in my conference with him on the subject of the triple interposition of France, the United States and Great Britain to mediate a peace between Texas and Mexico, I addressed his Excellency a note on the 15th of August. Having been informed by the Earl of Aberdeen that the British Government had already transmitted instructions to its Minister at Mexico in pursuance of the convention of mediation concluded between Texas and Great Britain, it appeared to me proper to communicate to the English Cabinet the note I had addressed on this subject to the French Cabinet. Copies of my notes to Mr Guizot and to the Earl of Aberdeen are herewith transmitted.

On my arrival in London, the Earl of Aberdeen being absent from town, I saw Mr Addington the Under Secretary of State. Mr Addington stated that Lord Aberdeen had intimated the opinion, that perhaps the *sole* mediation of England promises quite as much as the "triple interposition" proposed. This was the opinion I had myself previously entertained. The most amicable relations subsist between the British and Mexican Cabinets and Mr Packenham is stated to have much personal influence in Mexico. Since the bombardment of Vera Cruz in 1839 by the French admiral Baudin, very friendly feelings cannot exist in Mexico towards France: and the hostility of Mexico toward the United States has been recently manifested in a signal manner, in the notes of Mr Bocanegra to Mr Webster.<sup>a</sup> And it may appear to your Department that Mexico would be as likely to make a grace of conceding to the friendly regard she proposes for England what she would be reluctant to yield to a more formal proposition especially coming from the United States and France. If Mexico shall decline the mediation of England already preferred, the triple interposition may then be presented. To perfect the triple representation, the cooperation of the United States is required. Mr Everett the American Minister at London informed me that he has received no instructions on this subject from his Government. Has it been presented by Mr Reily?

*Consulate of Texas at Paris.* Texas has at this time no consul in Paris. I wished to transmit by the present opportunity the name of some person to be proposed to His Excellency the President for this appointment; but I have yet found no one whom I can confidently

<sup>a</sup> See House Docs., 27th Cong., 2nd Sess., V (Serial No. 405), Doc. 266.

recommend. The credit of Texas abroad is greatly influenced by the personal character and local consideration of persons exercising its consular functions. Permit me respectfully to advise through your Department the propriety of deferring for a short time, the appointment of a consul at Paris, until not only an unexceptionable but also the most eligible person can be selected. Our affairs will not suffer much in the mean time, certainly less than by too prompt an appointment.

*Belgium.* I had a conversation with Mr Firmin Rogier, Chargé d'Affaires of Belgium at Paris, on the establishment of treaty relations between Texas and Belgium, which conversation he communicated to his Government. I have received in reply, very friendly and complimentary assurances of the disposition of Belgium to establish relations with Texas. It was further stated, that a treaty has just been negotiated between Belgium and Mexico, which is not yet ratified; and were Belgium at this time to open negotiations with Texas, it might endanger the ratification of its Mexican treaty. Belgium requires therefore a short delay for the ratification of the Mexican treaty after which it will very readily enter on negotiations with Texas.

General Cass proffered to introduce me to Mr Rumff<sup>a</sup> the Minister of the Hanse Towns, immediately on the return of the latter to Paris. General Cass stated that Mr Rumff would be happy to establish on the part of the Hanse towns diplomatic relations with Texas.

Let me ask you to forward at your earliest convenience authority and instructions to negotiate Treaties with Belgium and the Hanse Towns.

The Russian and Spanish ministers were still absent from Paris when I left the City. It has moreover appeared to me advisable to endeavor to establish treaties with Belgium and the Hanse Towns, previously to presenting the subject to the notice of those powers which may be disposed to regard our claims less favorably.

In regard to the Loan, I must repeat that in my opinion it is extremely doubtful whether Mr Bourgeois will be able to accomplish any thing.

Nor do I think our public lands can be made in any manner available in Europe at the present time. While lands can be obtained by the settler on the terms of the contracts made with Messrs Castro, Kennedy and Bourgeois, it is not probable that they will have any available value in the market of London and Paris. While the contest remains unsettled with Mexico, we must not look for many emigrants from Europe. When peace shall be established there will be emigrants who will gladly pay a fair price for the public domain.

<sup>a</sup> Rumpff.

I communicated in a former Despatch a request from the Earl of Aberdeen that the West India Mail Steamers be exempted from the operation of the blockade of the Mexican Coast. I have received no reply from your Department. I have recently learned that Gun Brigs are shortly to be substituted for the Steamers. The same reasons would exist for exempting the Gun Brigs as the Steamers—both being Mail Boats.

Through the politeness of Mr Hume M. P. I have procured a large number of valuable Parliamentary Papers for the Library of Congress. They will be forwarded to Texas in the course of the ensuing month. In return for those Papers, the Congressional Papers of Texas are expected for the Library of the House of Commons.

The Vicomte Jules de Cramayel who succeeds M de Saligny as Chargé d'Affaires of France in Texas, expects to leave France on his way to his post in the course of the month of September.<sup>a</sup>

Mr. Packenham, English Minister at Mexico has leave to visit England. His place will be supplied by Mr Adams, formerly Chargé d'Affaires of England at Bogota. I am unable to express any opinion concerning the influence which this change of representatives at Mexico will have on the Mediation undertaken by England between Texas and Mexico.

My last despatches from your Department were of the 7th of June.

I shall make up a separate despatch tomorrow concerning the Mexican Steamers.

I have the honor to be  
with great respect  
Your obedient servant

ASHBEL SMITH

Mr Smith to Mr Guizot.—Copy.

LEGATION OF TEXAS, PARIS,

August 15. 1842

The Undersigned, Chargé d Affaires of the Republic of Texas, has received instructions from his Government to invite the Government of His Majesty the King of the French, to act in concert with the Governments of Great Britain and the United States of America in mediating a peace between Texas and Mexico.

The Government of Texas makes this proposition without any apprehensions that motives unworthy her national honor and dignity can be imputed as its cause.

In the further prosecution of War with Mexico, the Republic of Texas has nothing to gain. Texas possesses her territory entire, and has done so without interruption, since the evacuation of the country,

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<sup>a</sup> He was, in turn, succeeded by Saligny at the end of 1844 or the beginning of 1845.

after the defeat of the Mexican Armies, in April, 1836. Nor have all the efforts made by Mexico since that period, succeeded either in regaining any portion of the Texian soil or in preventing the full exercise of Sovereignty in all its attributes by the Texian Authorities.

In the mean time Texas enjoying stable institutions at home, has been and continues to be rapidly increasing in population and all the elements of strength. Adverting to the above facts, to the efforts made by Mexico in 1836, and to the efforts she is capable of again making to subjugate Texas, Texas can have no fear of any contest with Mexico.

Texas has no wounded pride to heal, the disgrace of no defeat to be repaired by prosecuting War with Mexico.

The policy and the wishes of Texas are for peace. She expects and desires to become an important Nation by domestic industry and the cultivation of her soil, and not by aggressions on the territory or depredations on the commerce of other Nations; and whatever griefs Texas may have to allege against Mexico, she is willing to bury them all and henceforth to contend with Mexico, only in good offices of friendly intercourse.

The war between Texas and Mexico is now carried on chiefly by sea and in its efficient prosecution, Texas is forced to blockade the ports of her enemy. A blockade is extremely liable to produce misunderstanding between the blockading power and neutrals trading with the blockaded country. France, the United States of America and Great Britain, Powers with which Texas desires to cultivate the most amicable relations, have a large commerce in the Gulf of Mexico, which may be seriously interrupted by the blockade of the Mexican Ports.

Under these circumstances, the Government of Texas invites the mediation of France, in concert with Great Britain and the United States, to put an end to the war between Texas and Mexico—a war in which Texas has nothing to gain however little she may fear the result—a war forbidden by all the high considerations of humanity, by the respective good of the contending parties, and by a regard to the commercial interests of other nations.

The Undersigned avails himself etc.

signed ASHBEL SMITH

[Next follows a copy of Smith to Aberdeen. August 15, 1842.<sup>a</sup>]

GUNZOT TO JONES<sup>b</sup>

[Asks credence for Viscount Jules Édouard de Cramayel as chargé d'affaires of France to Texas in the place of Count Dubois de Saligny, who has been recalled.]

\* See Correspondence with Great Britain. Smith to Jones, August 31, 1842.

**L. S., September 13, 1842.**

SMITH TO JONES.<sup>a</sup>

No. 25

LEGATION OF TEXAS, LONDON

October 21. 1842

The Hon. ANSON JONES  
*Secretary of State.*

SIR,

From the facts communicated in my previous Dispatches particularly those numbered 23 and 24, I think it may be confidently assumed that Texas is no longer permitted to hope for peace with Mexico through the mediation of England—that, Mexico is using every exertion to make an effective attack on Texas the ensuing spring if not earlier—and, that the augmentation of her naval force by the Frigates Guadalupe and Montezuma demands our serious attention.

To cope with Mexico, Texas needs ships and munitions of war which can only be obtained with money.

I find no reason to change the opinion expressed in my former Despatches that money cannot be obtained by the Texian Government in Europe in the way of an ordinary Loan. In order that any bonds of Texas may find sale they must have the guarantee of some European Government. There appears but a single means in the possession of Texas, wherewith to obtain such a guarantee, and that is some commercial equivalent.

The question then presents itself whether the Government of Texas are prepared to concede an equivalent of this nature for a moral guarantee of their Loan. If they are, I am convinced that an application to the Government of France would most likely prove successful. That Government it is thought, would guarantee a Texian Loan on some such basis as the following.

The introduction into Texas of French manufactures, either all objects of French manufacture or production, or only certain specified articles—at a very low rate of duty or free of duty—for a specified number of years or until the redemption of the Loan—and, the granting of such means as should be agreed on for facilitating the sale of French imports to citizens of the adjoining countries who should wish to come into Texas to trade.

I would suggest for example that certain and specified articles of French manufacture or production should be subject to entry at one third, or more or less, of the custom House duties, and payable in the same currency and on the same terms as are paid by the manufacturers or productions of other nations. The arrangement might also concede special facilities for a time to French emigrants.

I am aware that this plan has no merit of novelty, and that the subject has already claimed the careful consideration of the Government. I need not therefore enter into details.

I have had some conversation on such a plan with the Count de Cramayel, the French Chargé d' Affaires to Texas, now in this town on his way to our Country. He appears to think it feasible, and will confer with you on the subject, should you think best to entertain its consideration.

Complex commercial arrangements I confess are not to my taste. But as something of the nature above proposed seems the only means whereby money can be raised in Europe, I have thought perhaps that in the peculiar situation of our country, it might be deemed advisable to resort to it.

I shall leave for Paris in a few days and there present the subject to the consideration of the French Government, hypothetically and to be carried into effect or dropped according to my instructions from your Department.

I received a letter from Mr Bourgeois a short time since stating that he had made no progress in effecting his Loan.

London is in fact the great money mart of the world, but the prostrate condition of American Credit here and the combination entered into by the London Bankers to discredit every thing American so long as the repudiating states refuse to pay, as well as our own much damaged reputation on London Change forbid the offering of any Bonds of Texas here unless with the guarantee of an European Government.

The Viscount de Craymael, Chargé d' affaires from France to Texas, leaves London to day for his post.

I have the honor to be

Very respectfully

Your obedient servant

ASHBEL SMITH.

SMITH TO JONES.<sup>a</sup>

LEGATION OF TEXAS, PARIS,  
Oct 31, 1842

Hon ANSON JONES

*Secretary of State*

SIR,

I arrived in this City day before yesterday, the 29th Instant.

I called on Mr Bourgeois to learn the prospects of the Million Loan. He has not accomplished anything, nor is he likely to do so, under present circumstances. A gentleman conversant with financial matters and well acquainted with Capitalists and official men, in a long conversation we had yesterday on the subject of a Texian Loan, expressed the opinion that money may be obtained here for Texas

<sup>a</sup> A. L. S., indorsed "Re'd 15th Decr 42."

with the guarantee of the French Government, for which commercial equivalents are to be given as mentioned in my last Despatch, and the Loan to be secured ultimately on specific lands surveyed and sectionized for this purpose. There are some obstacles in the way, the negotiation would require to be conducted with much discreetness and the negotiator must possess full powers to conclude it, before much certain progress could be made towards its completion.

The New York Papers of the 8th Instant arrived in Paris this morning, containing statements that the Mexicans are preparing to invade Texas by sea and land with vigor, and that a force under General Woll has already captured San Antonio.<sup>a</sup> Although Mexican threats and exaggerations are pretty well understood, yet as these accounts seem to be credited by the New York editors, they will produce some doubt and hesitation here in regard to Texas. The news arrived too late for the Paris papers of today; it will appear tomorrow and I must counteract any unfavorable influence as I best may until certain intelligence shall be received.

The renewal of hostilities by Mexico leads me again to suggest that powers be furnished me to grant letters of marque to cruise against their commerce.

The refusal of England to unite in a "*triple interposition*" in the affairs of Texas and Mexico appears to have left me not much else to do on this subject at the present time, than to express to the Minister for Foreign affairs, Mr Guizot, that the Government of Texas will esteem the good offices of the French Government if exerted alone or in connection with the United States, no less highly than they would do, were they exerted in concert with Great Britain.

I was informed this morning at the Office for Foreign Affairs that the unfavorable reports of Mr Castro had been confirmed. I have accordingly revoked his Commission as Consul General.

Mr Castro is in Havre, at this time, superintending the embarkation of some emigrants for Texas. In the list which he has made of these Emigrants they appear to be of a re[spect]able class; and this conduct seems to manifest an intention to execute the conditions of his "Contract."

I have not yet seen M de Saligny the late Chargé d'Affairs, as he is at this moment absent from town.

My last communication from your Department was dated early in June, since which time I have received neither intelligence nor instructions.

I have the honor to be  
very respectfully  
Your obedient servant

ASHBEL SMITH.

<sup>a</sup> The capture occurred September 11, 1842.

SMITH TO GUIZOT.<sup>a</sup>SMITH TO JONES.<sup>b</sup>

PARIS Nov 2. 1842.

SIR,

On my return to Paris I received a letter from Mr Castro who is now at Havre superintending the embarkation of some Emigrants for Texas, in which he wishes me to give the Emigrants such aid and protection as shall be in my power. Accordingly I write to you.

The list of these Emigrants, which I have seen, shows them to be persons of respectability and means; and that we have good reason to believe they will be a valuable accession to our population and deserving the fostering care and protection of our Government. I am aware that nothing is necessary to recommend these Emigrants to the favorable consideration of the Government of Texas, and that their importance as the commencement of a numerous emigration will be duly estimated by the people of Texas.

It appears to me that Mr Castro's success in despatching a respectable body of Emigrants at this time, when the idle threats of Mexico are so industriously circulated in Europe, is quite creditable to him, and would seem to be the earnest of possible operations under favorable circumstances.

I have the honor to be with great esteem

Very respectfully

Your most obed. servant

ASHBEL SMITH

Hon ANSON JONES

etc. etc. etc.

SMITH TO GUIZOT.<sup>c</sup>GUIZOT TO SMITH.<sup>d</sup>GUIZOT TO SMITH.<sup>e</sup>SMITH TO GUIZOT.<sup>f</sup>

<sup>a</sup> November 1, 1842. See Smith to Jones, November 13, 1842.

<sup>b</sup> A. L. S.; not in the list of numbered dispatches.

<sup>c</sup> November 4, 1842. See Smith to Jones, November 13, 1842.

<sup>d</sup> November 8, 1842. See Smith to Jones, November 13, 1842.

<sup>e</sup> November 10, 1842. See Smith to Jones, November 13, 1842.

SMITH TO JONES.<sup>a</sup>

LEGATION OF TEXAS, PARIS,  
Place Vendome No 1. Nov. 11. 1842

Hon ANSON JONES  
*Secretary of State*

SIR,

Information has been asked of me concerning various persons and matters in Texas. I am well aware that you have no leisure to make the necessary inquiries and write answers; but it occurs to me that one of the clerks of your Department might do this. Such a course would relieve some anxious friends in Europe and show a disposition in our Government to look after and protect their citizens.

The Chevalier de Baccourt late French Minister at Washington transmitted to me the following memorandum from the Minister of Baden

"Charles Blittersdorff born in Carlsruhe, Grand duchy of Baden, "Germany the 21st March 1821, brown hair and eyes. His father "is Philipp Blittersdorff, his mother Carolina Blittersdorff, the name "of his brothers and sisters are Landolinus and Frederic, Fanny "and Philippina.

"In the spring of 1840, he left Havre for New York and from "there went to Texas with money sufficient to settle himself.—etc.

"Since his arrival in Texas he has not been heard from. His relations are anxious to know if he is yet in life, where he lives and "what is his present situation.—etc.

"He is reported to be a very well informed and enterprising young man.

"Is it possible to obtain some information about him without employing the newspapers?"

A letter from Henri Giraud of Berne attached to the Netherlands' Legation at Rome makes inquiries concerning Frederic Giraud of Berne who embarked at London the 13th November 1839 on board the Northern Castle for Galveston where he arrived on the 4th February following. He wrote shortly afterwards that he was on the point of leaving for Victoria with some persons named Gray, Keetels, Kelly and Stewart. This is the last intelligence of him and his friends are very anxious on his account.

A letter from a lawyer of the Royal Court, named Aronssohn makes inquiry after a Joseph Burgun who left New Orleans for Texas in 1840 to join the army.

Mr. Nightingale son of Lady Nightingale of London left New Orleans for Texas in 1839. Lady Nightingale desires if possible to obtain some information concerning him.

<sup>a</sup> A. L. S.; indorsed, "Recd Decr 30th 42." This indorsement was evidently intended to apply also to dispatch No. 28, which was inclosed with 27.

Mrs. Power of London, widow of Tyrone Power Esqr who was lost in the Steamer "President," wishes to know the condition and validity of title of a "Certificate No 16 for 11 leagues of Land issued by the States of Coahuila and Texas to John T. Mason." General Mason sold this certificate purporting to be a title to land, to Robert Emmet of New York and Tyrone Power. Mr Power the son informed me that the subject had been submitted to General Rusk who pronounced the certificate to be a good and valid claim for the quantity of land named. I explained General Mason's transaction to Mrs Power and stated, that while the Govt of Texas recognized every title which under the Mexican Govt was good; I was of opinion that General Mason never had a good title to the lands purported to be sold by him. I promised to refer the subject to the Govt for an answer.

I think that information concerning the individuals in question, if they are still in Texas might be readily obtained from some of our citizens of European origin.<sup>a</sup>

I have the honor to be  
very respectfully

Your very obedient servant

ASHBEL SMITH.

SMITH TO JONES.<sup>b</sup>

PARIS, PLACE VENDOME NO 1.

November 12. 1842

SIR,

Allow me to present to you Messrs Laude and Phene who are proceeding to Texas as Directors of the Colonization now carrying on by Mr Henri Castro. I have not the pleasure of a personal acquaintance with these gentlemen; I am however assured by Mr Castro that they are worthy of every attention and of confidence.

I am sure that the Government will perceive at once and without any observations on my part, the great importance of the expedition of colonists now proceeding to Texas under charge of Messrs Laude and Phene, in reference to future emigration from France. I am aware too that the Government will accord to these colonists every proper facility for their advantageous settlement in our country.

Should it be impracticable to occupy the lands set apart for colonization in the country of Bexar, Mr. Castro desires that other

<sup>a</sup> On the back of this letter is penciled the following: "Giraud is now in Victoria—has done rather a bad business by trusting his goods to individuals—would have done well but from the unprecedented hard times—stands fair and in good health."

<sup>b</sup>A. L. S.; primarily a letter of introduction and not in the numbered series.

lands should be conceded to his colonists for this purpose; and by this means he will be able to fulfil the terms of his concession.

Should the report of the present Expedition be favorable, I am induced to believe that Mr Castro will be able to introduce at an early period a numerous body of valuable emigrants

I am with great respect

Your very obedient Servant

ASHBEL SMITH.

Hon ANSON JONES

*etc. etc. etc.*

SMITH TO JONES.<sup>a</sup>

28.

LEGATION OF TEXAS, PARIS

November 13. 1842

Hon ANSON JONES

*Secretary of State*

SIR,

The intelligence of the capture of San Antonio and the threats of the Mexicans to renew hostilities on a large scale, received by the last Steamer from America have naturally attracted some attention in England and France. Most persons however are beginning to understand how little reliance is to be placed in the promises or threats of our enemies; and, by making proper representations in certain quarters, I do not find much difficulty in keeping public opinion correctly informed on most matters relating to Texas. I am sometimes placed in a disagreeable position by being left wholly without advices from home of the condition of our affairs except as I learn it from the newspapers.

On the 10th Instant I had a conversation with the Minister for Foreign Affairs, Mr Guizot, which turned chiefly on the refusal of England to unite with France and the U States in the proposed "triple mediation," and on the line of conduct which France will now pursue in this matter.

Mr Guizot stated that the French Minister at Mexico had been instructed, since the refusal of England, to urge separately the good offices of the French Govt. on Mexico for the establishment of peace. To my inquiry whether France would act jointly with the U. States, without the accession of England, in making a representation to Texas and Mexico, should an invitation to this effect be hereafter proposed to the French Govt. Mr Guizot replied he was not prepared to answer definitely. I apprehend from his remarks that the French

<sup>a</sup> A. L. S. See <sup>a</sup>, p. 1393.

Govt. would take this course under present circumstances, rather reluctantly, if at all. It would probably be regarded as likely to prove offensive to England.

In our conversation I represented to Mr Guizot at length how England seems to have consulted only her present commercial interests in the line of conduct she has adopted in regard to Texas and Mexico. He appeared to contemplate the subject in this light, without expressing any opinion. In all my intercourse with this Govt. and in their promptitude to cooperate in a "triple mediation" I have had evidences of a very friendly regard and increasing estimation of Texas.

Mr Henri Castro has just dispatched a vessel the Ebro with a number of emigrants for Texas. According to the list which he has shown me of their occupations and means, they appear to be a desirable class of persons; and from his sending them at the present time, it is fair to presume that under more favorable circumstances he will be able to introduce a large number of colonists who would be valuable citizens. As so much depends on the reports of these the first Emigrants, Mr Castro is very solicitous that they should receive every aid and facility on their arrival, for making an advantageous settlement; and as it is quite probable that they cannot now occupy the Lands set apart beyond San Antonio he desires that another region should be appropriated for these colonists, and that an additional twelve months shall be accorded for fulfilling the terms of his contract.

So far as I am able to judge, Mr. Castro has labored to execute the terms of his contract with promptness, energy and good faith. I strongly incline to the opinion that the "objections" which rendered it proper for me to withdraw his "Commission" from the Foreign Office, were chiefly of a political nature.

Major Victor Pir[s]on has mentioned to me in terms of commendation, Mr. G. Escalon of Marseilles as a proper person for Texian Consul of that Port. Mr Escalon is Consul of Belgium and Consul General of the Papal States, which in this country are evidences of respectability and fitness.

Mr Joshua J. Crooswyck of Rotterdam has been strongly recommended to me by very respectable authority as a very suitable person for Consul of Texas at that Port. "He is a Merchant of *good* standing, thoroughly conversant with the Dutch, French and English languages." etc.

Mr Escalon and Mr Crooswyck have both signified to me their wishes to be appointed Texian Consuls.

The Count de Briey, Belgian Minister for Foreign Affairs has written to you, I am informed, some time since, explaining the reasons for deferring to establish treaty relations between Texas and Belgium.

Copies of Mr Guizot's answer to the invitation to the French Govt. to unite in the "mediation" and of my correspondence with him on some subjects of minor importance have been transmitted to your Department by the hands of A. T. Burnley Esquire.<sup>a</sup>

I have the honor to be

Very respectfully

Your obedient servant

ASHBEL SMITH.

Mr. Guizot to Ashbel Smith.

PARIS, le 22 Août 1842

MONSIEUR,

J'ai reçu la lettre que vous m'avez fait l'honneur de m'écrire le 15 de ce mois, pour m'exprimer au nom de votre gouvernement, le désir de voir la France intervenir, de concert avec l'Angleterre et les Etats-Unis afin d'amener le rétablissement de la paix entre la République du Texas et le Mexique.

Le gouvernement du Roi, toujours prêt à donner au Texas de nouveaux témoignages d'intérêt et d'amitié, adhère volontiers à cette demande et unira avec plaisir ses bons offices à ceux des cabinets de Londres et de Washington, pour faciliter, autant qu'il dépendra de lui, une pacification si désirable à tous égards. J'ai déjà prescrit au chargé d'affaires du Roi à Londres de se concerter à ce sujet avec le cabinet de sa majesté Britannique; et je compte adresser des instructions au Ministre du Roi à Mexico pour que cet Envoyé agisse d'accord avec celui d'Angleterre en vue du but qu'il s'agit d'atteindre.

Recevez, Monsieur, l'assurance de la considération très distinguée avec laquelle j'ai l'honneur d'être votre très humble et très obéissant serviteur.

GUIZOT

Mr. ASHBEL SMITH

chargé d'affaires du Texas.

Ashbel Smith to His Exy Mr Guizot.

Mr Ashbel Smith has the honor to acknowledge the receipt of the Note of His Excellency Mr Guizot, His French Majesty's Minister for Foreign Affairs, dated the 22d August, expressing the readiness of the Government of His Majesty to interpose their good offices in concert with Great Britain and the United States, to mediate a peace between Texas and Mexico. He also thinks it proper to mention that

<sup>a</sup> The letters here referred to are those that follow. Copies seem to have been sent by Burnley (see Secretary of State to Smith, February 26, 1843); but there is good evidence that the copies now on file, of which the archives contain but one set, were sent as inclosures with this dispatch.

his absence from Paris has occasioned the delay hitherto in acknowledging the receipt of this Note of His Excellency.

Mr Guizot has undoubtedly been informed that Her Britannic Majesty's Government have refused to act in concert with France and the United States in the proposed mediation.

Mr. Ashbel Smith has communicated to his Government the very prompt and friendly manner in which the Government of His Majesty the King of the French have responded to the invitation which he had the honor to make; and he has the satisfaction to believe that the friendly sentiments expressed in Mr Guizot's Note and the promptitude which His Majesty's Government have manifested to employ their good offices in favor of peace on this occasion, cannot fail to be very highly esteemed by his Government and the citizens of Texas.

Mr Ashbel Smith requests the honor of an interview with Mr Guizot at such time as may suit His Excellency's convenience.

Mr Ashbel Smith takes this occasion to renew to Mr Guizot the assurances of his very distinguished consideration.

LEGATION OF TEXAS,

PARIS.

November 4, 1842.

Ashbel Smith to His Excellency Mr. Guizot.\*

[Withdrawing the commission of Henri Castro as Texan consul-general in France, and announcing the revocation of Theodore Barbey's appointment as Texan consul at Paris.]

Mr Guizot to Ashbel Smith.

PARIS le 8 Novembre 1842

MONSIEUR,

Il résulte d'une plainte qui vient de me parvenir que M. Barbey, Consul du Texas à Paris, perçoit un droit de 10 francs pour le visa des passeports, délivrés aux sujets français qui se rendent dans cette république.

Je vous prie, Monsieur, de vouloir bien me faire connaître l'acte du Gouvernement Texien en vertu duquel s'opère cette perception.

J'ai l'honneur d'être, Monsieur, avec une considération très distinguée

Votre très humble et très obéissant serviteur

GUIZOT

M. ASHBEL SMITH,

chargé d'affaires du Texas à Paris

Mr Guizot to Ashbel Smith.

PARIS, le 10 Novembre 1842

[Returning, in accordance with Smith's request, the commission as consul general of Texas at Paris which had been delivered to Henri Castro, and acknowledging information of the recall of Theodore Barbey, consul of Texas at Paris.]

Ashbel Smith to His Excellency Mr Guizot.

PARIS, PLACE VENDOME No 1

November 10. 1842

SIR,

I have the honor to acknowledge the receipt this day of your letter dated the 8th Instant, stating that Mr Barbey formerly Texian Consul at Paris has collected of French subjects proceeding to the Republic of Texas ten francs for the *visa* of their passports; and inquiring what are the Laws of Texas on this subject.

I have the honor to state that within the Territories of the Republic of Texas, passports are not required under any circumstances, neither for their own citizens nor for strangers visiting that country; that there exists neither law nor custom to this effect; and consequently that the collection of any sum for the *visa* of passports is wholly unauthorized by the Government of Texas, and I presume unknown to them.

I have also to acknowledge the receipt of your letter of the present date returning to me the commission of Mr. Henri Castro.

I take this occasion to renew to your Excellency assurances of the very distinguished consideration with which I have the honor to be

Your Excellency's

very obedient and

very humble Servant

signed

ASHBEL SMITH

His Excellency Mr. GUIZOT,

*Minister for Foreign Affairs, etc., etc. etc.*

SMITH TO JONES.<sup>a</sup>

LEGATION OF TEXAS

Paris, Nov 30. 1842

Hon ANSON JONES

*Secretary of State.*

SIR,

I have the honor to acknowledge the receipt of your Despatches of August 20th, which came to hand the 14th Instant.

<sup>a</sup> A. L. S., indorsed "Recd 12th Jany 43."

The American Newspapers brought here by the last arrivals contain intelligence of the defeat of the Mexican army on our Western Frontier under General Woll with a loss of 100 killed and 250 wounded and prisoners, and of their rapid retreat to the Rio Grande. By the attention of our friends, the details have been very generally copied into the French Journals with appropriate comments, and have produced a very favorable effect on public opinion here in relation to our country. Our Consul General in London has also taken care that this intelligence should be properly presented to the English public through their newspapers.

I have availed myself of the effect of the favorable intelligence from Texas to renew my endeavors to extend our diplomatic relations in Europe.

The domestic condition of Spain is such that no negotiations can be now conducted with that country. Insurrections and revolutionary movements are again the order of the day. Barcelona is in possession of the insurgents. The power of Espartero appears to be somewhat precarious. His Ministerial candidate for the presidency of the Cortes was defeated by a large majority. The Cortes have been prorogued—a step usually preliminary to their dissolution. I think however we shall be able to form a Treaty when tranquility shall be restored in that country. The Prince of Peace, now resident in Paris, who is supposed to still possess considerable influence in Spain has promised his aid to effect a treaty.

I had an interview with the Swedish Minister on the 26th Instant in reference to the establishment of diplomatic and commercial relations between Texas and Sweden. The matter had been prepared beforehand. The King of Sweden, Bernadotte is understood to have expressed his willingness to make a treaty with our country. The Minister appeared also favorably inclined; and it was agreed between us that I should address him a note on this subject. I have done so; I also suggested that he should be furnished with powers to negotiate with the Representatives of Texas in Paris a treaty conformable in general to those made between Texas and other Powers. I shall probably receive an answer in a short time. My general instructions it appears to me would enable me to negotiate the terms of a Treaty, but to conclude it the requisite powers must be transmitted.

The Minister of the Hanse Towns has not yet returned to Paris.

My former Dispatches have communicated with numerous details, the rejection of the mediation of Great Britain by Santa Anna's Government:—the friendly zeal which the French Government manifested to unite in a "triple representation" to Mexico;—and the refusal of the British Cabinet to act in concert with France and the United States in this matter. My official communication, and still

more at length my private letters to His Excellency the President and to the Secretary of State have explained the motives of the refusal of England.<sup>a</sup>

The conduct of the British Govt. on this occasion has not been dictated so much by their feelings towards Texas as by their relations with Mexico and with the two Powers proposing to unite with them in the "triple representation," as well as by the relations of these latter Powers with Mexico. The relations of the British and Mexico Govts. are very intimate,—whereby, England enjoys a considerable monopoly of Mexican commerce. France and the U. States are believed to be held in decided disfavor in Mexico, and England will not afford the two Powers first named any pretext or occasion for changing their position to one of greater amity with Mexico. Nor will England range herself, in appearance even, on the side of these two Powers, by interposing *conjointly with them* in our affairs. I may also mention that though the present French Minister for Foreign Affairs, Monsieur Guizot is supposed to have been highly esteemed in England, the relations of France and England are by no means very friendly; and while England with other European Powers is isolating France on some questions of European Policy, it will not embarrass this attitude by a cooperation with France in matters which are deemed of less importance.

The opinions expressed in my former Dispatches that the danger of hostilities between the U. States and Great Britain was at one time imminent and that it was then the determination of the British Cabinet to drag Mexico into the war, have received much confirmation since my arrival in France. The resolve of England to attack New York in the event of McLeod's being punished, was communicated to the American Govt and this information emanated *directly* from the French Govt. Under these circumstances, facilities were afforded the Mexican Consul at London to build the Anglo-Mexican Steamers, Guadalupe and Montezuma—as it was not very improbable that they might be employed against the U. States—and thus the British Govt were estopped from any efficient action in relation to these vessels last summer. It may appear singular that the British Govt should attribute much importance to Mexico, but though aware of its feebleness when unaided, they entertain a high estimate of its usefulness as an auxiliary especially in a war with the U. States.

The British Govt really desires in my opinion the establishment of Peace between Texas and Mexico, but they will not urge their mediation in a manner nor to an extent that may prove unpalatable to Mexico. The permission by the British Government of the Anglo-Mexican Steamers to sail after they had avowedly violated the British

<sup>a</sup> Cf. Smith to Jones, October 17, 1842. No private letters have been found that can be identified as among those here referred to.

municipal laws and with full knowledge of their destination, and their refusal to unite in the "triple representation" must have already led the Texian Govt to anticipate but little from the continued proffer of their good offices to Mexico. We ought not to estimate too highly their professions of very friendly feelings.

The very favorable disposition manifested by the French Govt. by their readiness to participate in a "triple representation" may induce the Texian Govt to propose a joint mediation by France and the U. States. In this case it would be highly advisable in my opinion that such a proposition should originate with the U. States Govt, or at least that they should signify through their Minister at this Court or to our Minister at Washington their readiness to act with France alone and without the cooperation of England; otherwise, France might be unwilling to accept the initiative step in an affair of some delicacy since the refusal of England.

On a review of our relations in Europe generally I have the satisfaction to state that frequent evidences are presented that our country and institutions are rapidly becoming more highly and more justly appreciated both in England and on the Continent. When the apprehension created by the sailing of the Anglo-Mexican Steamers shall have subsided, and especially on the establishment of peace, there will be no lack of as many emigrants from Europe as we shall think desirable consisting of persons of good character and possessing means to cultivate our soil and develope the other resources of our country.

From some disclosures recently made on Change in London it appears that Mr Lizardi the Mexican Consul has issued upwards of £600000 of Mexican Bonds—about 3 millions of Dollars, more than he was authorized to do. It was stated in one of the London Newspapers that there was reason to believe these bonds were issued to cover the expenses of the expedition against Texas. Mr Lizardi states they were issued to cover his commissions, expenses, etc. The transaction cannot fail to produce an injurious effect on the credit of Mexico, and to be indirectly serviceable to Texas by cooling the ardor of the friends of Mexico in England.

Mr Castro has communicated to me that he will dispatch a second ship of Emigrants to Texas on the 25th of December from Dunquerque and a vessel monthly for the three subsequent months. He appears to be actively and successfully engaged in introducing colonists, who, he states, are of good character and possessed of means. He is aware that the country set apart beyond San Antonio cannot now be occupied in security, but anticipates that another section of territory will be appropriated in lieu of that formerly designated. It appears to me desirable that the reports of these emigrants should confirm the favorable opinions of our country and institutions which are now increasing in France.

I forwarded you some time since the application of Mr. Escalon to be Texian Consul at Marseilles.<sup>a</sup> I find on a list of Texian Consuls the name of Louis Grousset for the same port. This list was made out by Mr Teulon in Galveston. Mr Grousset informed me a few days since that he has not received his commission. Both persons are I believe respectable and competent; I shall await your decision.

Complaint was made to me some time ago that Mr. Barbey former Consul at Paris had charged emigrants to Texas 10 francs for the *visa* of their passports.<sup>b</sup> I stated in reply to Mr Guizot that passports were not required in Texas and that the charge was unauthorized. I believe the revocation of Mr Barbey was satisfactory to this Government.

When in New Orleans on my way to Europe I left in charge of our former Consul Mr Edmonds a Box containing copies of Laws besides other valuable public documents for the use of Texian Agents in Europe, and several of my private books of much value. This Box was to be forwarded to Mr Paravey our Consul at Havre. It has not come to hand. Will you direct Mr Bryan our Consul to look after it and forward it when found?

I have the honor to be

Very respectfully.

Your obed. Servt

ASHBEL SMITH.

TERRELL TO SMITH.

DEPARTMENT OF STATE

Washington [Texas] Decr 10th 1842

Hon ASHBEL SMITH

*Charge d'Affaires of Texas etc.*

SIR,

Your despatch No. 25 on the subject of a loan proposed to be negotiated in Europe for the Govt of Texas, has been submitted to the President, and has received his careful consideration.

His Excellency instructs me to say in reply, that in his opinion, such commercial immunities as those suggested by you to be extended to France, as an equivalent for a guaranty on her part of the bonds of Texas, would not be extended to any Nation by our Congress.

If France would extend to Texas the aid of her influence in the shape of a guaranty for a loan, the President would be willing to hypothecate, (as he is authorised to do) as a security to France, a sufficient amount of the public domain to ensure the ultimate redemption of the bonds which might be thus guaranteed by France. Or

<sup>a</sup> Cf. Smith to Jones, November 18, 1842.

<sup>b</sup> See Guizot to Smith, November 8, 1842, in Smith to Jones, November 18, 1842.

if France preferred it, some such immunities and privileges as were proposed by the bill usually denominated the "Franco Texienne Bill" in 1841.<sup>a</sup>

The negotiations upon this subject have heretofore been so tardy, and the different aspects they have assumed so varied—first exciting the hopes of the nation to the highest pitch of confident expectation, then subjecting us to the mortification of "hope deferred," and uniformly ending in the humiliation and the increased depression of National credit, ever consequent upon the entire failure of high wrought expectations and pompous parade incident to transactions of this character—that the President has, in a great measure, lost confidence in the success of almost any proposition which should be made by this Govtmt having in view the obtainment of a loan.

If however, the Government of France would guaranty the bonds of Texas to the amount of one million of dollars, upon the terms above suggested, or if any of the capitalists of that country would make us a loan upon those or any similar terms, and will send an agent to this country fully authorised to negotiate with the govt on the subject, the President will take immediate action upon it.

Should one be sent out, it is of the last importance to Texas that he should not only be clothed with full powers to conclude such a contract but also to *draw for the money immedeately*, as this country is in very great need of funds, and if she can realise any from such a source, it is important to her interests that it be done spedily.

Upon a strict scrutiny in the Department, I find that your Despatches Nos. 3, 4, 13, 14, 16, 18, 19 and 21 have never been received at this Department. Two letters dated 15 and 31st August both dated Nov 17, and those of date May 17th Augst 1st and Septr 8th not numbered have been received, together with copies of correspondence from 12th May to 8th July)<sup>b</sup>

I remain,

Dr Sir

With much respect

Your obdt Servt

G. W. TERRELL

*Atty Genl. and Acting Secretary of State.*

P. S.

Do not imagine that the pompous addenda to my name proceeds from any disposition to make an ostentatious display of titles. It is a mere whim of the "Old Chief".<sup>c</sup> G. W. T.

<sup>a</sup> See note <sup>c</sup>, p. 1008.

<sup>b</sup> No. 3 has not been found; No. 4 was the dispatch of May 17, 1842; No. 13 seems to have been lost; 16 was the dispatch misnumbered "17" of August 15; the dispatch of August 1 should probably have been numbered 14; and those of September 8 and 19 respectively 19 and 21.

<sup>c</sup> That is President Houston.

JONES TO SMITH.

DEPT OF STATE

Town of Washington Decr. 23d 1842

Honl ASHBEL SMITH

*Charge d'Affaires of Texas  
etc. etc. etc.*

SIR

I have the honor to acknowledge the receipt of your letter to this Department under date of the 31st Oct. 1842 and written from Paris. Since the last letter from this Department to you was written being Mr. Terrill's Dispatch of the 10th Inst, Mr. James Reily our late Chargé d'Affaires at Washington has arrived bringing with him the Treaty of 'Amity Commerce and Navigation' which he concluded at that place with Mr. Webster on the 30th July last. This Treaty has been submitted to the Senate and received its Sanction. The general provisions of it are similar to those of commercial Treaties with the United States generally. Some important stipulations however of a different character are contained in it. These are the following. 1st. A mutual agreement to surrender all persons, charged with any crime amounting to felony or grand larceny, upon such proof being made as would justify there<sup>a</sup> commitment for trial, by the laws of the place where they are arrested. 2d. The Sabine from its source to the sea the Red River and all rivers having their sources or origin in the territory of Texas running in part of their course through that territory or forming the boundary between the United States and Texas and emptying into the Mississippi and the Mississippi itself from and including the mouth or mouths of said rivers to the Sea shall be free to be navigated and common to both Nations. 3d. the provisions contained in Article V which is as follows

## ART. V

The two contracting parties agree etc.

\* \* \* \* \* The concessions made in this article to the United States viz: the right of introducing their productions and manufactures into this country for transportation to the interior and northern parts of Mexico, and the privilege of repacking the same for that purpose, are and will be of considerable importance. These are the privileges which it was understood Mr. Bourgeois was anxious to procure and formed the principal object of his visit to this country.

In case Mr. Bourgeois is not already furnished with the facilities necessary to enable him to carry out his contract for a Loan of

<sup>a</sup> Their.

<sup>b</sup> At this point in the original is inserted the direction to the clerk who was to make a copy of the letter for Smith "(copy the whole)." For the article which was to be copied, see Correspondence with the United States, in Part I, p. 623.

\$1,000,000 to this Govt<sup>a</sup> and the guarantee of the French Govt. becomes requisite for this purpose you are authorized to treat with France for such guarantee and in consideration therefor to stipulate on the part of Texas to allow her privileges and commercial advantages, similar to those granted the United States in the above recited 5th Article. In case this can be done it may enable Mr. Bourgeois to carry out the contract already formed, and thus place us in the possession of funds at an earlier period than could otherwise be done, and perhaps save the necessity of " Sending an agent to this country authorized to negotiate" as suggested in Mr. Terrill's last note. In case however, the guarantee of France should be thus obtained and extended to the Loan of Mr. Bourgeois it would be necessary that he should give an equivalent, which would probably be, the increasing the price to be paid for the Bonds from 75 cts on the dollar to near par, or perhaps even an advance upon par as the rate of interest is so high.

For the purpose of enabling you to treat efficiently with the French Govt. a full power will be sent you pr next mail. In the mean time you can sound the French Govt. on the subject, and confer with Mr. Bourgeois in reference to the matter.

Congress are progressing very harmoniously at present. But two Bills however have been yet passed and these of little importance. The Tariff will be continued probably with some very trifling modifications.

The President has issued a proclamation revoking the proclamation of Feb. 11th 1840<sup>b</sup> abolishing temporarily the duties on French wines imported into Texas. This is to take effect on the 15th Feb next, after which time the duties imposed by Law and the Treaty with France are to be demanded by the Collectors of Customs.<sup>c</sup>

The Viscount Cramayel<sup>d</sup> has not yet arrived at this place—

The various tribes of hostile Indians residing within our limits and upon our borders, having intimated a strong desire to make peace, the 9th of Feb. next has been appointed at the Waco Village on the Brazos, to hold a general Council with them for this purpose. The President of the United States has consented to send Commissioners to the council for the purpose of making that power a party to the Treaty, and of guaranteeing its faithful performance by the

<sup>a</sup> The contract was made June 14, 1842, in accordance with a law approved January 27, 1839 (see Gammel, *Laws of Texas*, II, 62-63), authorizing the President to make such contracts. The instrument itself has not been found. Bourgeois's report concerning his efforts to secure this loan was made to Jones, July 8, 1844. See Financial Papers, State Library.

<sup>b</sup> For the proclamation of this date, see Gammel, *Laws of Texas*, II, 662.

<sup>c</sup> See Gammel, *Laws of Texas*, II, 878, for the revoking proclamation, which was dated December 21, 1842.

<sup>d</sup> Cramayel.

Indians and Texas, mutually. No Indian depredations have been committed upon any of our frontiers for the last three months, a strong evidence that the various tribes are sincere in their professions of a desire for peace with Texas. It is much to be hoped that a general pacification of all the Indians may be effected, previous to the season when the Mexicans will probably invade us, should they be enabled to do so the coming year which I very much doubt.

I have the honor to be

very Resp

Your ob Ser

Signed

ANSON JONES

SMITH TO JONES.<sup>a</sup>

[Introducing Etienne Mercier, who comes to Texas in charge of the second company of Castro's colonists.]

POWER FROM HOUSTON TO SMITH TO CONCLUDE A TREATY WITH THE KING OF THE FRENCH.<sup>b</sup>

[Empowering Smith to conclude a treaty of amity, commerce, navigation, commercial privileges and national guarantees with France.]

JONES TO SMITH.

DEPARTMENT OF STATE  
Washington [Texas] Decr. 26th 1842

Hon. ASHBEL SMITH

*Charge d' Affairs of Texas etc.*

SIR,

Since the letter of Mr. Terrill of the 10th Inst. the President has concluded to review his decision in relation to granting letters of Marque and Reprisal, and to grant a very limited number. Two blank Commissions are herewith enclosed for your disposition, which you will fill up and use, in case you find suitable persons to receive them. They should be granted with the greatest possible caution and only to individuals of such well known character and respectability as will constitute the best possible guarantee that this country

will not be injured in its interests, or the commerce of neutral and friendly nations depredated upon by them. There is but little Mexican commerce in the Gulf of Mexico or on the Atlantic, but it is believed that cruisers on the Pacific side of the continent might take valuable prizes, in case they proceeded there with entire secrecy. It is with reference to this fact principally that the President has consented that these Commissions should be granted. Should you issue any you will please report the same immediately to this Department.

Enclosed I also send you a full power to treat with the Govt. of France for its guarantee, of a Loan to Texas. In case this can be done you are authorized to stipulate for such commercial privileges to France as shall be a just equivalent for such guarantee, within the instructions heretofore given you on this subject. It would be very desirable also to obtain the privilege of introducing Texas cotton into France at a diminished duty or free of duty, for a limited number of years, as in the United States. This would give an immediate impulse to the growth and cultivation of the principle staples of this country which at this time would be of most essential benefit to its welfare. There will be no objection to admitting French wines into Texas free of duty (as heretofore) in the event of France being willing to grant a corresponding immunity to Texas, in any shape.

The letter of Plenipotence I believe is somewhat deficient in formality. This arose from the fact that the Department not being in possession of the Archives (which are still detained at Austin) I had no form for my guide in drawing it up. It is presumed however that it will answer the purpose. Another will be sent as soon as a proper form can be obtained.

Your correspondence with the Spanish Minister Gen. Sancho on the subject of the Blockade of the Mexican ports, and the establishment of amicable relations between this country and Spain is highly approved by the President. Should it result in an offer on the part of that country to treat, no time will be lost by this Govt in availing itself of the opportunity to establish those relations with that ancient power.

So soon as you shall have had time to conclude the important negotiations with which you are at present interested, instructions and power will probably be sent you to conclude treaties with Belgium and the Hanse Towns. Much will depend however upon the appropriations which may be made by Congress at its present session. The extravagance of the late administration in the useless waste of Millions,—the failure of the crops this year,—and the general depression of monetary affairs throughout the South at this time, unite in producing a most unfavorable state of things here at present, and the

extremest economy has to be used both by the Govt. and by individuals. I feel full confidence however, that the country will triumph over its present difficulties, and learning wisdom from the severe lessons of the past, advance steadily in prosperity, and increase in wealth and strength.

Our currency still continues considerably embarrassed, and although but little over \$125,000 of Exchequer Bills had been issued when Congress met, those Bills still continue to be depreciated 50 pr. cent. When once the Tariff question is settled, if the present rate of duties should be continued, upon imports generally, it is believed these Bills will soon be at par.

The proposed appropriation of Congress this year for the entire expense of Government and for all disbursements is only about \$130,000. The Collector of Customs at Galveston informes me that he will receive, at that one port, alone over \$150,000 during the present financial year. This will leave, the whole amount of duties to be collected at all the other ports of entry, and the direct Taxes (saying nothing of the land Dues) unexpended, and at the disposal of Congress next year.

Mr H. Castro has written to this Department complaining that unfounded assertions injurious to his character had been made, and was answered that his Exequator having been refused by His Majesty the King of the French, was a fact upon which the President was necessarily bound to base his conclusions in the premises. Mr C also complained that the contract with Mr. Bourgeois and Ducos for a concession of land to establish a colony upon was an infringement of his rights and calculated or intended to prejudice the success of his own colony. To this he was answered that no such infringement had been made and that the contract with Mr. Bourgeois and Ducos was an act of State policy, and not intended in the least degree, to conflict with or prejudice the one made with him. Mr Castro was never assured, as he seems to think, by this government, that he was to have the monopoly of colonizing in this country, with French emmigrants.

A contract was recently concluded with Capt Victor Pirson of Belgium to introduce a colony of one thousand European emigrants upon the Rio Grande. It is however the intention of the President to grant no more concessions for colonization purposes, at present.<sup>a</sup>

Very respectfully

Your obdt servt,

ANSON JONES

<sup>a</sup> The contracts referred to in this letter are all on file with the Colonization Papers in the State Library. That of Castro is dated February 15, 1842; that of Bourgeois, June 3, 1842; and that of Pirson, November 18, 1842.

JONES TO BOURGEOIS.<sup>a</sup>

DEPARTMENT OF STATE (TEXAS)

Town of Washington Decr. 26th 1842

MR. AL. BOURGEOIS (D'ORVANNE)

DEAR SIR,

I have the honor to acknowledge receipt of your letter of August 27th.<sup>b</sup> which came to hand some few weeks since. The letter of the 31st July to which you refer has never been received.

Should you not have concluded successfully the procurement of the Loan according to our convention of the 14th June last, from any cause perhaps some modifications may be made therein, which will ensure success in its negotiation. For this purpose I have written Mr. Ashbel Smith our Chargé d'Affaires to France requesting him to confer with you on the subject, with a view to the future adoption of such modifications. He is acquainted with the views of the Texian Government, in regard to this matter and will more fully explain them, to you in person than I might be able to do in writing.

Be pleased, Sir, to receive the assurances of the very high regard with which I remain

Faithfully

Your friend

and Most Obt Svt

(Signed)

ANSON JONES.

SMITH TO JONES.<sup>b</sup>

No 32

32

LEGATION OF TEXAS, PARIS

30th December 1842

The Hon ANSON JONES

*Secretary of State*

SIR,

I have the honor herewith to transmit two communications from Monsieur Bourgeois on the subject of a Loan for Texas. With the modifications proposed in his Notes he expresses great confidence in being able to negotiate a Loan.<sup>c</sup>

<sup>a</sup>A. L. S.

<sup>b</sup>This letter, which deals with the subject of the loan which Bourgeois had undertaken to secure, is in the Financial Papers in the State Library. That of July 1 and the convention of June 14 have not been found.

<sup>c</sup>The two communications referred to are both dated December 27, 1842. They are on file with the Colonization Papers in the State Library. Their contents are sufficiently indicated by Smith.

It is proposed you perceive, that the interest coupons shall be receivable for custom-house dues;—and that the Representative of Texas in Europe shall be authorized to countersign provisional bonds, until bonds duly signed by the authorities of the country can be got out.

In case the French Government shall guarantee the Loan, it is proposed to allow the introduction into Texas of French products imported in French or Texian vessels, at one fifth of the duties paid by other nations.

In case the guarantee of the French Government be not had, the contractors of the Loan are then to have the privilege of introducing annually into Texas two vessels of not more than 400 tons burthen loaded with French products, at one fifth of the duties paid by other ships.

It is also proposed that the Mexicans be permitted to visit without annoyance our frontiers for the purpose of trading.

Mr Bourgeois also proposes to be authorized to grant 100 Acres of land situated in his concession to each holder of bonds for 200 dollars; always provided a settler be placed on each 100 acre tract, agreeably to the *other* terms of his present contract. According to the terms of his Contract, each settler would receive 320 acres;—he wishes to be authorized to furnish 100 acres each to certain settlers.

His Excellency the President will decide whether in his opinion a loan on such terms would be desirable for Texas. A loan on the customary terms could not be negotiated in Europe at this time. After careful attention to this subject I incline to the opinion that on conditions similar to those proposed by Monsieur Bourgeois a loan may be obtained. These conditions are *stringent* but, if deemed advisable by the Government I shall be ready to conform to such instructions as may be given me on this subject.

A translation of Mons. Bourgeois' plan is annexed to his original notes.

I have the honor to be  
most respectfully  
Your very obedient servant

ASHBEL SMITH.

*Nota.* My despatches by the present mail are large. I am in the habit of transmitting copies of every official communication which I make or receive, by the first steamer which sails thereafter from Europe; excepting of course copies of notes which have no general importance. I have received several notes of the latter character from Mr Guizot which have not been communicated. Is it the wish of the Department that I shall continue to transmit *by mail* as heretofore, copies of my correspondence on subjects of general interest?

ASHBEL SMITH

SMITH TO JONES.<sup>a</sup>

No 33.

LEGATION OF TEXAS, FRANCE  
11 January 1843.

The Hon

ANSON JONES

*Secretary of State*

SIR,

I avail myself of an opportunity of sending direct from Havre to New Orleans, to transmit a brief Despatch to your Department. The shortness of the notice given me, will explain to you the incompleteness of this communication.

My last Despatches numbered 31<sup>b</sup> and 32, dated the 30th Ultimo and inclosing several documents, were forwarded by the Steamer from Liverpool which sailed the 4th Instant. Since their date our relations in Europe present nothing new of much interest.

The Legislative Chambers were opened on the 9th Instant by the King in person. Although now 70 years old, he appears to have several years of vigorous life still left him.

So far as I can judge the present ministry seem secure in their places, and decidedly stronger than they were some weeks ago; and as they pursue a decided *peace* policy, there seems no reason to expect any change in the domestic condition or foreign relations of France for some time to come. I attended last night the reception of Mr Guizot the Minister for Foreign Affairs. Though much occupied he found time to enquire particularly concerning the relations of Texas and Mexico.

Every country in Europe, especially England France and Belgium are suffering under a surplus production of manufactures and seeking foreign markets. The importance of Texas in this point of view is daily better estimated; and the amount of cotton it is expected to produce the present year is attracting attention. I have commonly estimated the crop of the season just passed, at 60,000 bales. It would be of much advantage were I furnished from time to time with correct information on subjects connected with the productions and resources of our country. But as stated in my former Despatches, I do not receive even the newspapers which would occasionally give me useful items.

I have had some conversations with the Charge d' Affairs of Belgium, in which he expressed the opinion that by granting to a "manufacturing company" in Belgium the privilege of introducing their manufactures into Texas at a diminished rate of duties, as proposed in my former Despatches, a Loan to Texas would be guaran-

<sup>a</sup>A. L. S.

<sup>b</sup>See Correspondence with Great Britain.

teed by this Company on favorable terms, and thus be readily negotiated. This manner of guaranteeing a Loan and securing its negotiation appears to me quite as eligible as that of Mr. Bourgeois as communicated with my last Despatches. If Texas shall deem it for her interest to concede commercial equivalents as has been so often proposed, I am of opinion that a Loan can be without difficulty negotiated, at a moderate interest and at a rate near its face.

I shall not however trouble your Department further on this subject, unless I receive instructions.

I receive frequent proofs of the favorable attention which Texas is attracting in this Country and in Great Britain.

This communication is so hasty, in consequence of the shortness of the notice given me of this opportunity to send, to Texas, that I will beg to remind you that it is not to be regarded as a regular Despatch, but merely a notification to your Department that I am at my Post.

I am with great respect  
your very obedient servant.

ASHBEL SMITH.

CRAMAYEL TO JONES.<sup>a</sup>

Légation de France  
au Texas.

GALVESTON le 16 Janvier 1843

Monsieur le Secrétaire d'Etat,

Par une proclamation en date du 21 décembre 1842,<sup>b</sup> S. E. M. le Président de la République Texienne a révoqué une autre proclamation du Général Lamar, son prédécesseur, en date du 11 février 1840,<sup>c</sup> qui accordait une franchise entière de droits aux vins français introduits au Texas sur navires français ou texiens.

Il ne m'appartient point de décider si la proclamation du Général Lamar était contraire aux lois, ainsi qu'il est dit dans celle qui la révoque, ni même si elle était contraire aux traités, quoiqu'il fût facile, je crois, de combattre avec succès cette dernière assertion. Cet acte en accordant aux vins français la faveur d'une franchise complète par extension aux prescriptions du traité avec la France, mais non point en contravention à ce même traité, annonçait que la révocation pouvait en être faite par le Président de même qu'il avait été rendu par lui seul.

Je ne discuterai point non plus l'opportunité de la mesure en elle-même et je ne rechercherai point si le temps a été bien choisi pour rendre une ordonnance si peu favorable aux intérêts du commerce

<sup>a</sup> L. S.; indorsed "Recd 22d Janry 43".

<sup>b</sup> See Gammel, *Laws of Texas*, II, 878.

<sup>c</sup> See Gammel, *Laws of Texas*, II, 662.

français, dans le moment même où la France cherchait à donner de nouvelles preuves d'égards et de sympathie au Gouvernement Texien, par l'envoi d'un Agent Diplomatique et par des démarches combinées pour la paix si désirée avec le Mexique. S. E. le President du Texas est seul apte à juger du prix qu'il doit mettre à de semblables considérations au nom du pays qu'il représente vis-à-vis des puissances étrangères.

Dans une conversation que j'ai eue dernièrement à ce sujet avec M. le Président lui-même, S. E. s'est appuyée, pour m'expliquer les motifs de la mesure, sur des raisonnemens qui, je l'avoue, ne m'ont pas paru assez concluants pour que je n'ose pas espérer qu'après une observation plus attentive, Elle ne soit pas disposée à revenir d'Elle-même sur la révocation de l'acte en question.

L'introduction libre des vins français, si j'en juge d'après toutes les données que j'ai à cet égard, avait eu pour but principal d'encourager le commerce direct entre la France et le Texas et en attirant les navires français au Texas par l'appât d'un débouché facile pour une de leurs denrées, de les engager à fournir le marché texien d'une foule d'autres articles pour lesquels il est encore tributaire des Etats-Unis et qu'il est contraint de payer à des prix infiniment supérieurs.

Il serait superflu de rappeler combien il doit paraître important au Texas dans la position naissante et encore si difficile dans laquelle il se trouve, d'appeler à soi le commerce Européen et de lui faire prendre l'habitude d'une route encore inaccoutumée. Je ferai seulement remarquer que le commerce direct avec la France est en ce moment en progrès d'une manière remarquable et semblait destinée à prendre un développement de jour en jour plus considérable. Est-il prudent de commencer à le dégoûter ou au moins à le mettre en défiance par l'instabilité des tarifs et par des restrictions arbitraires?

Une autre considération particulière et dans l'intérêt même du peuple Texien, avait encore favorisé la mesure précitée. L'on avait pensé qu'il était utile en offrant au peuple du vin au prix le plus modéré de remplacer progressivement par l'usage de cette boisson saine et fortifiante, celui des liqueurs fortes dont l'effet funeste n'est que trop généralement senti.

Le pouvoir exécutif a dû examiner toutes ces questions que je ne veux point même effleurer ici, en les lui laissant apprécier ainsi qu'elles le méritent. Je me bornerai donc à vous témoigner, Monsieur le Secrétaire d'Etat, la pleine confiance où je suis que le Cabinet Texien, mieux instruit de l'effet fâcheux que pourra produire en France la résolution qu'il a prise, s'empressera de la révoquer ou au moins d'y apporter d'importantes modifications. Il en est une surtout qui est tellement indispensable que je ne puis comprendre comment elle a pu être omise dans le texte de la proclamation.

Il y est dit que les prescriptions de la dite proclamation commenceront à avoir leur effet à dater du 15 février prochain.

Vous n'ignorez pas, Monsieur, qu'il est d'un usage constant dans tous les pays de fixer des termes proportionnés aux distances, toutes les fois qu'une mesure relative aux douanes ou au commerce est de nature à modifier essentiellement les lois en vigueur et à compromettre gravement les intérêts de négociants étrangers placés dans des pays très éloignés. Des commerçants français, sous la foi des anciens règlements, ont pu expédier en ce moment même des cargaisons qui n'arrivant qu'après un délai aussi inconnu pour eux que la nouvelle loi elle-même, éprouveraient un préjudice qu'il serait aussi injuste que contraire aux habitudes des pays civilisés de leur faire supporter.

J'ai l'avis que trois navires français sont en route pour le Texas en ce moment et que d'autres sont en chargement. Il serait de toute équité de fixer pour délai à l'application de la loi, non pas une époque d'arrivée aussi rapprochée que le 15 février, mais une époque de départ des ports de France, calculée du moment où la nouvelle loi ayant été notifiée officiellement en France par l'intermédiaire des agents diplomatiques ou consulaires Texiens, le commerce français sera légalement censé en avoir eu connaissance.

En m'en rapportant à l'esprit de justice de l'administration Texienne et à sa sagacité relativement aux intérêts du pays, pour faire droit à la réclamation que j'ai l'honneur de vous adresser, je profite avec empressement de cette occasion, Monsieur le Secrétaire d'Etat, pour vous offrir l'assurance de ma haute considération

Le chargé d'affaires de France au Texas

Vte. J. DE CRAMAYEL

À l'Honorable M. ANSON JONES, *Secrétaire d'Etat.*

**JONES TO VAN ZANDT.<sup>a</sup>**

[Relative to the way in which the war with Texas is carried on by Mexico.]

**SMITH TO JONES.<sup>b</sup>**

34

LEGATION OF TEXAS, PARIS

January 28. 1843

Hon ANSON JONES

*Secretary of State*

SIR,

I have the honor to acknowledge the receipt of the Message of His Excellency the President<sup>c</sup> and of a communication from your De-

<sup>a</sup> January 23, 1843. See Correspondence with Great Britain.

<sup>b</sup>A. L. S.

<sup>c</sup>The annual message, December 1, 1842. See *House Journal*, 7th Tex. Cong., 16-28.

partment dated the 15th October; <sup>a</sup> both of which have this moment come to hand.

I shall immediately call at the Foreign Office and if the circular communication of the 15th October has not been transmitted to this Govt by their recently appointed Chargé d'Affaires to Texas, the Viscount de Cramayel <sup>b</sup> who should ere this be at his post, I shall take the proper steps to bring the subject of the letter of the 15th October before the French Government.

In France I find the best disposition to think favorably of Texas; and although the French Govt. felt a little sore from the misunderstanding between their former Chargé d'Affaires and the late Administration, they would willingly forget it and do us every good in their power. But the opposition newspapers of Texas so bewray our country, defame our Govt, and calumniate our administration that persons in Europe cannot put confidence in our institutions or credit our ability for self government. Except for these calumnies of our Country coming from our own citizens we might have been recognized by nearly every Power in Europe. The extracts from our newspapers which find their way into foreign prints are as you will readily conceive, chiefly such as vilify our Government. What effect such articles produce in Texas I am unable to say; but I know that abroad, they do the country great and unmitigated damage and disgrace, unredeemed by any good whatever.

I have received no information since I left London, from the British Govt concerning their mediation in the affairs of Texas and Mexico, which I was informed would continue to be presented to Mexico.

As mentioned in former despatches, the French Govt on the refusal of Great Britain to make a joint representation, instructed their Minister at Mexico to tender *separately* the good offices of the French Govt to bring about if possible an amicable arrangement between Texas and Mexico. Here this matter now rests; and nothing in my opinion is likely to be accomplished by any mediation in its present shape.

The British Govt, whose influence at Mexico is predominant, was mainly desirous of establishing peace between Texas and Mexico from an apprehension that a continuance of the contest might result in the annexation of Texas to the American Union. They are now persuaded that such an event is extremely improbable, and that a serious attempt by one portion of the American States to receive Texas would endanger the existence of their Union. I think therefore that the establishment of peace is now regarded by the English Govt as much less important than they formerly considered it.

<sup>a</sup> See Calendar of Correspondence with the United States in Part I, under Terrell to Eve, October 15, 1842.

<sup>b</sup> Cramayel.

The United States have a vital interest in the maintenance of the Independence of Texas and the integrity of our institutions. I have written to our Chargé d'Affairs at Washington City, a confidential letter, a copy of which has been forwarded to your Department, stating the present condition of the Mediation proffered by Gt Britain and adding some very cogent considerations which should induce the United States Government to take decided and immediate action in reference to Texas and to contest with Mexico.<sup>a</sup>

In the conclusion of my letter to Mr Van Zandt, you see I have ventured to suggest that France and the United States might *jointly* decide at once the affairs of Texas and Mexico without the concurrence of England; and that although France will not now take the initiative and make the invitation to the United States, yet that the generous promptness with which France acceded to the former proposition from Texas induces me to believe she would cooperate with the United States on an invitation *emanating from this Power.*

I hope the course I have taken in making the suggestion to our Minister at Washington City, that the American Govt should take some decided step in this matter will meet your approbation. I am sure the facts set forth in that letter will attract your attention.

I have great reason to fear that several of my despatches as well as private letters to the President and Secretary of State are lost in the Post Offices of the United States.

I have the honor to be  
very respectfully  
Your obed. Servant

ASHBEL SMITH

CRAMAYEL TO JONES.<sup>b</sup>

Légation de France  
au Texas

GALVESTON, le 28 Janvier 1843

Monsieur le SECRÉTAIRE D'ÉTAT,

Au mois d'Août dernier le chargé d'affaires de la République Texienne a présenté au Ministère Français une communication officielle pour demander que la France intervînt de concert avec l'Angleterre et les Etats-Unis, afin d'amener le rétablissement de la paix entre le Texas et le Mexique. Je pense que Mr. Ashbel Smith aura informé le gouvernement Texien de l'empressement qu'avait mis la France à accueillir cette demande et vous aura en même temps prévenu que

<sup>a</sup> The letter was dated October 21, 1842. No complete copy of it has been found. For an extract, see Van Zandt to Terrell, December 7, 1842, Part I.

<sup>b</sup> L. S.

des instructions avaient été envoyées à Londres pour que l'ambassadeur Français s'entendît à cet égard avec le Ministère Anglais.

Le gouvernement de S. M. B. se fondant d'une part sur le non-succès des démarches déjà faites par lui dans ce même but et, d'une autre part, sur l'inconvénient qu'il pouvait y avoir à associer les Etats-Unis à la médiation, dans un moment où leurs relations avec le Mexique paraissaient sur un pied peu amical, n'a pas cru devoir accéder à cette demande. Il a pensé qu'au lieu d'une médiation collective de la France, de l'Angleterre et des Etats-Unis, il valait mieux que chacune des puissances agit séparément, en employant toutefois le même langage et les mêmes argumens pour déterminer le gouvernement Mexicain à la paix, et en communiquant cette résolution à la France, il lui a demandé de joindre ses bons offices à ceux de l'Angleterre en adoptant la même marche.

Le Gouvernement Français toujours prêt à donner de nouvelles preuves de ses dispositions amicales en faveur du Texas et de l'intérêt qu'il porte à la prospérité de ce pays, n'a point manqué d'accéder au nouveau mode de médiation proposé par l'Angleterre, tout en regrettant de n'avoir pu obtenir complètement l'adoption de celui demandé par le Gouvernement Texien.

En vous donnant connaissance des détails qui précédent, d'après l'ordre qui m'en a été donné par le gouvernement du Roi, mon Souverain, je suis en même temps autorisé, Monsieur le Secrétaire d'Etat, à vous annoncer que le ministre de France à Mexico a reçu des instructions qui lui prescrivent de se concerter immédiatement, non seulement avec M. Packenham mais aussi avec le Ministre des Etats-Unis à Mexico (si les instructions de ce dernier l'y autorisent) sur la ligne de conduite et le langage à tenir pour obtenir le but désiré.

Je saisis avec empressement cette occasion, Monsieur le Secrétaire d'Etat, pour vous renouveler l'assurance de ma haute considération

Le chargé d'affaires de France au Texas

Vte. J. DE CRAMAYEL  
à l'Honorable M. ANSON JONES Secrétaire d'Etat.

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JONES TO SMITH.<sup>a</sup>

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JONES TO CRAMAYEL.

DEPARTMENT OF STATE  
Washington [Texas] Feb 9th 1843

SIR,

The Undersigned secretary of State of the Republic of Texas has the honor to acknowledged the receipt of the note of M. M de Cra-

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<sup>a</sup> January 31, 1843. See Calendar.

mayel Charge d affaires of his Majesty the King of the French addressed to him on the 16th January Ult. in relation to the Proclamation of the President on the subject of the duty on French wines issued on the 21st Decr. 1842<sup>a</sup>

In relation to the previous proclamation of Gen. Lamar, abolishing the entire duty on wine the product of France imported into Texas direct in French or Texian Vessels,<sup>b</sup> which M de Cramayel suggests was perhaps only an extension of the provisions of the Treaty between France and the Republic of Texas and not a violation of its Stipulations, the Undersigned has the honor to refer M. de Cramayel to the fundamental law of Texas the Constitution which assigns the power of making Treaties to the President with the advice and consent of the Senate, and to remark upon this provision of the Constitution that the President alone, and without the advice of the Senate of Texas previously obtained, to stipulations already agreed upon between the two countries had no power to extend or contract the provisions of any Treaty entered into in conformity with the before mentioned enactment of the Constitution, and that it is as much a violation of the Treaty stipulations towards Texas to extend the provisions of that Treaty in any other mode than the one pointed out in the Constitution, as it would be in violation of Treaty Stipulations to contract the same as it regarded France.

In regard to the point of time which was chosen to revoke the unauthorized and illegal act of Gen. Lamar by the present Executive, the Undersigned, has the honor to request M. de Craneyel<sup>c</sup> to recollect that the Proclamation of Gen. Lamar abolishing the duties on French wines, had been in operation for nearly three years that by it a large amount of wine the product of France had been introduced into Texas free of duty—that the present Executive although aware of its illegality had permitted the same to exist for more than a year under his administration, that he had waited for a length of time for the arrival of a representative from his Majesty the King of the French, and your arrival not being known to him, at the moment he deemed it his indispensable duty to Texas no longer to delay the matter. The undersigned further assures M. d. Cramayel that this Government highly appreciates the friendly disposition evinced by his Majesty the King of the French in sending a diplomatic agent to represent him in the absence of Mr. De Saligny, as well as in the strong desire which his Majesty has evinced to see peace established in Texas; and the undersigned hopes, that the act in question may not in the mind of M. de Craymayel, produce any the least impression to the contrary.

<sup>a</sup> See Gammel, *Laws of Texas*, II, 878.

<sup>b</sup> See Gammel, *Laws of Texas*, II, 662.

<sup>c</sup> Cramayel.

If further proof were required to satisfy M d. Cramayel of the entire necessity and propriety of this act, beyond those above referred to the undersigned would request the attention of M. de Cramayel to the present Situation of the finances of Texas, and to the fact that she requires all the revenues which she may be able to derive from every legitimate source to maintain the Govt. and her very existence as a nation.

The Undersigned with much pleasure admits the justice of the remark made by M. d. Crayneyel <sup>a</sup> that the use of the wines of France would be, more salubrious and have a better effect upon the morals and health of our citizens than the stronger liquors now used. At the same time he begs to refer M. De Cramayel to the fact that these liquors are in every instance charged with very high duties, (Whiskey in most instances now paying from 100 to 150 pr cent ad valorem) by which it is evident that the Govt. of Texas designed to discourage the use of these deleterious articles

The President, entertains the strongest desire to promote by every proper means in his power the commerce between Texas and France, and thus not only to advance the interests but to strengthen and cement the friendly relations now so happily existing between the two countries and he has instructed the Undersigned to assure M. d. Cramayel <sup>a</sup> that nothing on his part consonant with his constitutional and legal powers shall be wanting to effect this desirable object. and that he accords his approbation generally to the remarks of M de Cramayel <sup>a</sup> in reference to the same.

Should France, deem the introduction of her wines into Texas free from duty an object of sufficient importance to claim her attention to the formation of a treaty with Texas for the purpose, the President, would be willing to grant the same in consideration of a corresponding immunity, and Mr. Smith our Charge d' Affaires near the Govt. of His Majesty the King of the French has already received instructions to this effect, and will propose the subject to his Majesty's Govt. at an early day.

Although in the opinion of the Undersigned, the public notice which has been given of the revocation of the proclamation of the 11th Feb. 1840, abolishing the duty on French wine, and the time which will have elapsed before the revocation takes effect, will be sufficient to extend a due notice of the fact to persons engaged in the trade in wine, both in this country and France,—Still the Undersigned will assure M. d Craymeyel that should any vessel sail from France direct for Texas with wine on board, and in ignorance of the Proclamation of the 21st Decr. last the President in view of the facts will be disposed to extend such relief to any party who may suffer conse-

quent injury as justice and equity may seem to require. The Undersigned avails himself with great pleasure of this occasion to offer M. De Craymayel assurances of the high consideration with which he has the honor to be

his very ob Svt

signed ANSON JONES

The Viscount de CRAMAYEL

*Charge d' Affaires of His Majesty  
the King of the French  
etc. etc. etc.*

SMITH TO GUIZOT.<sup>a</sup>

JONES TO CRAMAYEL.

DEPARTMENT OF STATE  
Town of Washington Feb. 22d. 1843

SIR,

The Undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the letter addressed him on the<sup>b</sup> Inst<sup>b</sup> by the Viscount Craymeyel,<sup>c</sup> Chargé d'Affaires of His Majesty the King of the French informing this Department of the course adopted by His Majestys Government, in relation to the proposed concerted action by France England and the United States, with a view to the establishment of a peace between Texas and Mexico.

The letter of Viscount Cramayel has been laid before his Excellency the President, who has directed the Undersigned to assure the Viscount Cramayel that he appreciates with lively gratification the friendly feelings evinced by France in the promptness with which she consented to employ her good offices, with England and the United States, both in the joint action proposed by Texas, as well as in the separate though concerted action, agreed to by England and now adopted for the attainment of an object so desirable, and so manifestly for the interest of both Texas and Mexico as the re-establishment of peace between them.

Since the adjustment of the difficulties which recently existed between the United States and Mexico in relation to the indemnities claimed by her citizens for injuries sustained by them from the latter, our Chargé d'Affaires at the City of Washington Mr. Van Zandt

<sup>a</sup> February 19, 1843. See Smith to Jones, April 11, 1843.

<sup>b</sup> The letter referred to is dated January 28th.

<sup>c</sup> Cramayel.

has been instructed to present this subject to the consideration of the government of the United States, and to request its good offices in concert with those of France and England in this matter.

That Government having already tendered its good offices to Texas, to mediate between her and Mexico in any way whereby such mediation might be useful the belief is entertained that that Government will accede to the request made through Mr Van Zandt and send corresponding instructions to Mr Thompson its Minister at Mexico for his action.

So soon as the answer of the United States shall have been received by Mr Van Zandt it will be communicated direct to Mr Smith, our Chargé d'affaires to France and England who will immediately make the same known to both of those Governments. The Under-signed embraces this occasion to renew to the Viscount Crameyel assurances of his distinguished consideration

signed                   ANSON JONES.

SECRETARY OF STATE [JONES] TO SMITH.<sup>a</sup>

DEPARTMENT OF STATE  
Washington [Texas] Feb. 26th 1843

Hon. ASHBEL SMITH

*Chargé d' Affaires of Texas etc. etc.*

SIR,

I have the honor to acknowledge the receipt since my last letter written you on the [16th] Inst of your two dispatches under date of the 30th Decr. Ult to being Nos. 31 and 32, and also of copies of your correspondence with Mr. Guizot sent by Mr A. T. Burnley<sup>b</sup>

I have only time at present to say in reply that the Loan of One Million of Dollars is a matter of pressing importance to Texas as this moment. Should the instructions and powers you have heretofore received enable you to obtain a guarantee from the French Government to her Citizens of a loan to that amount it is presumed that through such guarantee the money might be obtained—without this however it is deemed under present circumstances to be scarcely adviseable to make any further attempt for this purpose. Should your efforts however at negotiation with France for the guarantee fail it is not improbable that the President might be disposed to allow terms to Mr. Bourgeois similar to the ones proposed by him,<sup>c</sup> in the event he (the President) could be perfectly satisfied that the

<sup>a</sup>An unsigned draft in Jones's hand. The title is taken from an indorsement on the letter.

<sup>b</sup>Cf. note <sup>a</sup>, p. 1397.

<sup>c</sup>See note <sup>c</sup>, p. 1410.

money could and would be had. But we are tired of futile and unsuccessful efforts to obtain money by means of a loan and no other or further ones will be made unless predicated upon something like positive certainty.

The Law of Congress requires that the Loan shall be negotiated "within the limits of the United States" This therefore prevents the President from appointing a Commissioner in Europe. The negotiation with Mr. Bourgeois was made at New Orleans in conformity with this provision of the law and it is therefore desireable that this contract should be adhered to. Such modifications therefore as circumstances may seem to require in this contract in order to render it successful may be made by the parties.

On behalf of the government of Texas you are therefore authorized to stipulate with Mr. Bourgeois in my name for such definitive alterations as circumstances may seem to you proper and for the interest of Texas, subject to the final approval or rejection of the President.

If the guarantee of France is obtained to a loan of One Million and this guarantee is applied to the Loan contracted for by Mr. Bourgeois, then as you have been heretofore instructed the terms of the loan should be so modified as to make them much more favorable to Texas than they now are by Mr. B's contract, as a large compensation will have to be made to the French Govt. If on the contrary the guarantee of the French Gov't is not procured or applied to this contract, then terms similar to those now proposed by Mr. Bourgeois might be accepted by Texas. Instead however of the contractors being allowed to introduce two Ships of 400 tons burthen annually freighted with goods at one fifth of the customary duties it would be better to stipulate that a certain ad valorem amount of goods might be so introduced.

In the event an arrangement is made either with or without the guarantee of France it would probably be adviseable for Mr. Bourgeois to come over here or send an agent so soon as he had made the necessary agreement with you and with the capitalists who are to furnish the monies, prepared to pay over or draw on Paris for the 1st Installment of the Loan so soon as the sanction of the President was obtained to the modifications and the necessary bonds were issued.

The principal reliance which the President has for obtaining a loan of money for this country in the dilapidated condition which the late administration left it is through the friendly influence of the French Government. If Texas can offer her such inducements as will incline her to use this influence effectively, it is believed the object may be accomplished. These inducements I think you are authorized to offer in advantages to her commerce and manufactures,

advantages which she is most anxious to obtain. You can readily perceive how successfully France would be able to compete with England in the trade of all northern Mexico in case privileges were extended to her commerce and manufactures similar to those granted to the United States. The introduction of her wines, etc, into Texas free of duty would also be an object of considerable national importance.

The issuing of provisional Bonds in Paris to be used until Bonds could be executed and sent over would not seem adviseable. The law authorizing the Loan expressly declares that the Bonds to be issued shall be signed by the President, etc. The modifications which you may agree to with Bourgeois in his contract of 14th June last will necessarily include one extending the time to a period which you may agree upon for carrying the said contract into effect.

The modification in Mr. Bourgeois colonization contract to reduce the quantity of Land to be allowed the Settler cannot be made as the law fixes the amount definitely. There is little doubt however that Congress at its next session might be induced upon proper representations to modify the law so as to meet the views of Mr. Bourgeois and the interests and feelings of French emmigrants, when the President would be willing to make the corresponding modification in Mr. Bourgeois' contract

GUIZOT TO SMITH.<sup>a</sup>

CASTRO TO SMITH.<sup>b</sup>

SMITH TO GUIZOT.<sup>c</sup>

CRAMAYEL TO JONES.<sup>d</sup>

Légation de France  
au Texas.

GALVESTON le Mars 1843.

Monsieur le SECRÉTAIRE d'ETAT,

A mon arrivée au Texas (fin décembre dernier,) j'ai trouvé parmi les lettres adressées à la Légation de France en l'absence de M. de Saligny, un rapport de M. Guilbeau, Agent Consulaire de France, à San Antonio de Bejar, qui se plaignait de divers actes de violence commis à son égard par les Volontaires Texiens sous les ordres du

<sup>a</sup> February 28, 1843. See Smith to Jones, April 11, 1843.

<sup>b</sup> March 5, 1843. See Smith to Jones, April 27, 1843.

<sup>c</sup> March 6, 1843. See Smith to Jones, April 11, 1843.

<sup>d</sup> L. S.

Général Somervell. Bien que je n'eusse aucune raison de mettre en doute les faits rapportés par M. Guilbeau, ils me parurent d'une nature tellement grave que je ne pus me résoudre à en entretenir le Gouvernement Texien avant d'avoir recueilli moi-même tous les renseignemens propres à me les faire apprécier. Ces renseignemens que la difficulté des communications avec San Antonio ne m'a pas permis de recevoir plus tôt, viennent enfin de m'arriver et je vois avec regret qu'ils sont loin de diminuer la gravité d'évènemens qui pour être aujourd'hui plus anciens n'en conservent pas moins toute leur importance.

Il résulterait effectivement des rapports que j'ai reçus, Monsieur le Secrétaire d'Etat, que le 18 novembre 1842, tandis que les troupes réunies sous les ordres du Général Somervell se trouvaient à San Antonio de Bejar, M. Henri Clay Davis, Quartier Maître de l'armée, se serait présenté chez M. Guilbeau, Agent Consulaire de France, pour y exercer des réquisitions arbitraires pour le compte des troupes. Sur le refus de M. Guilbeau de se soumettre à ces réquisitions, le Quartier Maître Davis aurait fait un signal à des volontaires apposés en dehors de la maison qui s'y seraient précipités en poussant des hurrahs, sans égard au Pavillon français qui flottait au-dessus de la porte, et se seraient emparés de force de tout ce qui se trouvait à leur convenance. Non contents de ces violences, ils auraient menacé de leurs carabines la personne même de l'Agent Consulaire qui aurait été contraint de s'armer pour les tenir en respect. Parmi les objets dont M. Guilbeau a pu constater la disparition après le départ des hommes qui ont envahi son domicile figurent entre autres, trois sacs de sel de 750 lb. chacun estimés à \$93.75c et 209 barres de plomb estimés à \$52.25. Au mois de mars précédent, les troupes cantonnées à Bejar auraient déjà pris sans paiement chez M. Guilbeau six fanegas de maïs estimés à \$18. Ce serait donc en deux fois une valeur de \$164 qui aurait été soustraite de chez lui.

En vous rapportant les détails ci-dessus, Monsieur le Secrétaire d'Etat, mon intention est moins d'apprécier le tort qui a été fait à M. Guilbeau par la saisie des objets mentionnés, que d'appeler l'attention du Gouvernement Texien sur des procédés aussi contraires aux droits internationaux qu'aux usages reçus chez tous les peuples civilisés.

En effet si les lois de la guerre ou celles d'une nécessité impérieuse peuvent autoriser un Général d'armée à se procurer par des réquisitions extraordinaires, même dans son propre pays, quelques objets absolument nécessaires à la subsistance de ses troupes ou au succès de son expédition, ces réquisitions ne peuvent être faites qu'au nom du Gouvernement, suivant certaines formalités voulues et contre des reçus que l'Etat est lui-même tenu de rembourser plus tard. Tout

mode contraire ne peut être considéré que comme une illégalité et une violence.

Mais si l'observation de telles formalités est nécessaire pour la garantie des droits des citoyens du pays, elle devient rigoureusement indispensable vis-à-vis des étrangers qui résident dans un pays où ils sont protégés par des traités particuliers et plus encore lorsqu'ils sont revêtus d'un caractère officiel et de l'inviolabilité que leur accorde le droit des gens. M. Guilbeau d'abord à titre de français, et plus encore en sa qualité d'Agent Consulaire français reconnu par le Gouvernement Texien, avait doublement droit aux égards des chefs revêtus du commandement de l'Armée Texienne et leur conduite à son égard ne saurait trouver aucune excuse. Car ce n'en serait point une que de rappeler les preuves sans nombre d'indiscipline et d'inconduite qu'ont données les Troupes Texiennes dans cette dernière campagne. Si le pays peut juger à propos de fermer les yeux sur les désordres commis sur les nationaux par ses propres troupes, il ne peut en agir ainsi lorsque des étrangers deviennent victimes de ces mêmes désordres, et les tolérer serait en prendre la responsabilité vis-à-vis des pays auxquels les étrangers appartiennent.

Je suis persuadé d'avance, Monsieur le Secrétaire d'Etat, que le Gouvernement Texien s'empressera de désavouer hautement la conduite de ses milices indisciplinées en cette circonstance et de donner toute satisfaction au Gouvernement Français qui ne saurait voir avec indifférence la violation de son Pavillon et les vexations auxquelles seraient exposés ses sujets dans un pays ami. C'est au nom de la civilisation et en proclamant les principes sacrés de la morale et du droit des gens que le drapeau de l'Indépendance Texienne s'est élevé. C'est la confiance dans ces mêmes principes qui a gagné au Peuple Texien les sympathies des Puissances Européennes et de la France en particulier et qui les a portées à admettre le Texas au rang des Nations. Je ne saurais donc douter un instant que le Gouvernement Texien ne se montre jaloux de continuer à mériter la confiance qu'il s'est acquise et de réprouver des procédés aussi contraires aux lois de la civilisation qu'à celle du droit des gens, et aux égards dus à une Puissance telle que la France.

C'est donc en attendant avec pleine assurance les explications satisfaisantes que vous ne manquerez sans doute pas de nous empêcher de donner à la Légation de sa Majesté le Roi des Français ainsi que la juste réparation due à l'Agent Consulaire de France que j'ai l'honneur d'être avec une haute considération,

Monsieur le Secrétaire d'Etat,

Votre très humble et très obéissant serviteur

Le Chargé d'Affaires de France au Texas

Vte J. de CRAMAYEL

A l'Honorable Monsieur ANSON JONES, Secrétaire d'Etat etc etc etc

SMITH TO CASTRO.<sup>a</sup>SMITH TO GUIZOT.<sup>b</sup>SMITH TO JONES.<sup>c</sup>

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LEGATION OF TEXAS, FRANCE

March 31, 1843

Hon. ANSON JONES,  
*Secretary of State.*

SIR,

I have the honor to acknowledge the receipt on the 4th Instant of despatches from your Department of the 23d and 26th December, and subsequently, of your despatches of the 7th <sup>d</sup> and 10th of the same month brought by Mr Barnard.

An attack of fever commencing on the 6th Instant, has confined me to my bed most of the present month. I am now firmly convalescent and able to attend to my duties.

I communicated to Mr Guizot the revocation by His Excellency the President of the Proclamation of the 11th of February 1840, abolishing temporarily the duties on French Wines; and I mentioned in conversation the reasons which rendered this step proper, and showed that it originated in no degree from an unfriendly spirit on the part of Texas to the interests of French commerce, as had been intimated. I was informed by Mr Bourgeois who derived his information through the Department of Commerce that the despatches received from Mr de Cramayel had produced an unfavorable influence on the French Govt. in relation to Texas. He said Mr de Cramayel had spoken with asperity—"avec aigreur"—and had particularly mentioned the restoration of duties on French wines as evidence of an unfriendly and exacting spirit existing among us toward France. A Note from Mr Guizot acknowledging one received from me communicating the revocation of the Proclamation of the 11th February, induces me to believe this information is correct. In a private letter which was communicated to me, Mr de Cramayel expresses the same views, and also an opinion decidedly hostile to the negotiation of any Loan for Texas, in France. I anticipate however that when he shall become really acquainted with our country and the members of our Govt. his opinion of our condition and prospects will be more favorable. I am informed that he has requested permission to return to Europe—and it was added that Mr de Saligny will probably resume

<sup>a</sup> March 23, 1843. See Smith to Jones, April 27, 1843.<sup>b</sup> March 30, 1843. See Smith to Jones, April 11, 1843.<sup>c</sup> A. L. S.<sup>d</sup> Terrell to Smith of that date in Correspondence with Great Britain.

his post in Texas. Any misapprehension that may exist on the part of the French Govt. in regard to the motives for withdrawing the Proclamation of the 11th February, I trust to be able to remove.

I am rejoiced at the decision of His Excellency in relation to the Loan. My former despatches state very explicitly my belief at an early day, that Mr Bourgeois' loan would prove an utter failure. I have deemed it however my duty to communicate heretofore to your Department the terms on which it was believed a Loan could be negotiated—without approving those terms. Since the receipt of the despatches of Mr. de Cramayel—to which I should add that Mr de Saligny has declared to the Govt. an opinion adverse to any guarantee of a Texian Loan—money could not be obtained here by Texas on any conditions. Touching a Loan, I have the satisfaction to assure your Department, that every thing has been conducted so *discreetly* and *quietly* that the subject has had *no publicity whatever*. The guarantee of this Govt. or any other means of obtaining a Loan here being in my opinion now impracticable, I shall let the subject die as quietly as possible. Letters from London inform me of the extreme plenty of money in that market, and suggest the possibility of our negotiating a Loan there. I have replied that the only way of accomplishing any thing is to go to Texas with full powers to conclude a contract and authority to draw for the money.

Being confident the French Govt. would not now guarantee a Loan, as I have already mentioned, and not being yet aware of any advantages they have to offer us which appear to me equivalent to the free introduction of their wines and the "right of transit" of their products, I presume any attempt to establish new commercial relations would have no important results. I have informed Mr Guizot of the receipt of my powers, and shall see what they may have to propose; my opinion at this time is that we shall do best to let our relations remain for the present as they are. I think the free introduction of French wines and the "right of transit" of their merchandise may be reserved by us with more advantage for future negotiation, than conceded for any thing they are likely now to offer us in exchange.

In reference to the revocation of the Proclamation of the 11th February, I feel sure His Excellency will not deem it advisable to retrace the course he has pursued in this matter, notwithstanding the dissatisfaction it has occasioned; except in return for the concession of full equivalents by France.

Our relations with this Government so far as I can judge, are on a good footing with the exception of the dissatisfaction felt at the revocation of the Procn. of the 11th Feby 1840—but this dissatisfaction it is believed will be only temporary. Our national character it must be confessed does not stand high in Europe, but this we must at-

tribute to ourselves. The series of misfortunes commencing with the ill advised Santa Fe Expedition, and of which the capture of the men who abandoned Gen Somervell<sup>a</sup> forms a part have done our national standing infinite harm. They have seriously impaired the high reputation we enjoyed for valor, and of course the confidence at one time universal here, in our ample ability to maintain our independence. These sinister events have prevented the flow of emigration and capital to our country, which would otherwise have been immense. To these causes I should add the denunciation of the opposition newspapers of Texas, which represent our Govt. as a failure etc., etc. But for these reasons we might have been recognized by every power in Europe—a circumstance which would have brought us trade and emigration.

A highly influential gentleman here and a warm friend of Texas is urging the French Govt. to interfere promptly and efficiently to put an end to the contest between us and Mexico. I still entertain however the opinion that we have nothing to look for from the mediation of France or England further than the expression of friendly wishes for the termination of hostilities;—unless perhaps, as I formerly suggested, the United States should take the initiative and make a proposal to France to interfere jointly.

I shall proceed to London in a short time to attend to such matters as concern our relations at that Court. If the Mexican Steamers shall be again adverted to I shall act in strict conformity to the opinion of His Excellency the President in regard to the faithfulness of the British Govt. in their efforts to procure peace between Texas and Mexico. On a perusal however of my communications to Lord Aberdeen, I think it will not appear that I have intimated any distrust of my own or of my Govt. as to the sincerity of Great Britain in this matter. My wish was to use a conciliatory tone, as this course did not appear to me inconsistent with manly firmness in maintaining our rights. This subject will have my careful attention in this respect.

I have taken no steps with the "Commissions" transmitted to me. Before delivering any I shall act with the most *scrupulous caution*.

I would again invite the recollection of the Department to the Congressional Documents for the Library of the British House of Commons in exchange for those sent to Texas. Might they not be delivered to Captain Elliott to be forwarded?

The unfavorable aspect which in the eyes of Europeans, the affairs of Texas seem now to wear, is not auspicious to the extension of our international relations at this time. I am induced however to believe after several conversations with the Chargé d' Affaires of Belgium

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<sup>a</sup> Known as the "Mier prisoners."

that a Treaty may now be concluded with that Power. I have accordingly determined in pursuance of the opinion of the Belgian Chargé, to take Brussels in my way to London. You are aware that a Treaty negotiated between Belgium and Mexico but not ratified was the motive of the Belgian Govt. for deferring to enter at an earlier day on the consideration of this subject. This obstacle no longer exists. I regard the establishment of relations with Belgium as of much importance. The country it is true is small; but, manufactured articles are not only cheap—much cheaper than in France—but the overflowing abundance of them induces that people to extend their commerce in every direction, and we shall then find another market for our cotton. Moreover that Govt. favors the emigration of its subjects, and they are among the best of emigrants being sober, industrious, enterprising and peaceful. All the other continental Govts. are I believe hostile to the emigration of their subjects. Indeed for immediate practical results touching commerce and emigration, Belgium may be as important to us as England or France. If I find that Govt. favorably disposed I shall endeavor at once to enter on negotiations on the strength of my instructions.

Mr Castro despatched a vessel of emigrants, the Louis Philippe about a month since, from Dunkirk. He informs me he has suspended further operations until the autumn. I have written somewhat at length on the subject of emigration from France in a letter sent a few days since to Wm. D. Miller Esqr His Excellency's Private Secretary. I have taken an opportunity to show Monsieur Castro that his complaints in regard to the contract made our Gov. with Messrs Bourgeois and Lucos were unfounded and untenable. I believe he takes the same view of them after reflection.

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I shall try to find some safe private hand to convey as far as the United States a confidential letter to the Department and a private one to His Excellency, without sending through the French and English Post Offices.

My visit to London will not be longer than two or three weeks—whence I shall return to my post at Paris.

I have the honor to be

Very respectfully

Your most obedient servant

ASHBEL SMITH.

SMITH TO GUIZOT.<sup>b</sup>

<sup>a</sup> The omitted paragraph refers to Smith's salary.

<sup>b</sup> April —, 1843; probably written on April 4. See Smith to Jones, April 11, 1843.

GUIZOT TO SMITH.<sup>a</sup>

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SMITH TO JONES.<sup>b</sup>

LEGATION OF TEXAS, PARIS

April 11, 1843.

The Hon ANSON JONES

*Secretary of State*

SIR.

I have the honor to acknowledged the receipt of despatches from your Department, dated Jany 23d—Jany 31st<sup>c</sup>—Feby 16th and Feby 26th, with the enclosed documents. They were all brought by the same ship from New York received by me at the same time. The despatches of the 26th Decr and 19th Jany<sup>d</sup> came to hand a few days previously; as did those of Decr 7th<sup>e</sup> and 10th brought by Mr. Barnard. The regular receipt of your despatches for some time past is highly satisfactory to me as I am thus put in possession of the views of the Government, and enabled to execute my duties without hesitation.

I communicated the circular Letter of the 15th October<sup>f</sup> to this Government some time since with a note explanatory of the wishes of the Texian Government; I have also communicated a copy of the Despatch of Jany 31st together with an extract from Despatch of Jany 23d touching the Mexican emissaries among the Indian tribes. I accompanied these documents with a note setting forth more explicitly than I had done in the former one on the same subject the object of Texas in presenting these matters to the consideration of other Powers. In an interview I had with Monsieur Guizot. I entered into some details, the same nearly as have been since furnished in the Despatch of Jany 31st, concerning the manner in which Mexico has prosecuted hostilities. He listened with much apparent interest, and assured me that the King's Government would write immediately to their Minister at Mexico to make proper representations to the Mexican Government 'against the cruelty practised towards the Texans,' etc. etc. The despatch of the 31st January, received the 8th Instant, as I have already stated, was communicated to this Government yesterday, the 10th Instant. No reply has of course yet been received.

<sup>a</sup> April 8, 1843. See Smith to Jones, April 11, 1843.

<sup>b</sup> A. L. S.

<sup>c</sup> See Calendar of Correspondence with Great Britain.

<sup>d</sup> In Correspondence with Great Britain.

<sup>e</sup> See note <sup>d</sup>, p. 1427.

<sup>f</sup> See Calendar of Correspondence with the United States in Part I.

The revocation of the Proclamation of Feby 11, 1840 abolishing temporarily the duties on French wines, created at first some little dissatisfaction here. The subject has not been recently mentioned, which disposes me to think the revocation is now viewed in a more favorable light. I send herewith my correspondence on this subject.

I send also copies of a note informing Mr Guizot of my having been furnished with powers to negotiate a treaty etc., and of his reply designating Mr Saligny as authorized to act on behalf of the French Government. For the reasons, however, mentioned in a former despatch, I do not imagine that an attempt to negotiate a new treaty will have important results. Cotton, our principal article for export, is subject to a duty of 20 francs the hundred Kilogrammes (about 200 lbs.) and with the addition of 1/10th according to their customs regulations, it pays in fact 22 francs the 100 kilo. This is the duty on *foreign* cotton generally. An exception of one half is made in favor of the cotton of the Levant which therefore pays 11 francs the 100 kilo; and an exception in favor of cotton the growth of French colonies is made, so that the latter pays 6 francs and 60 centimes the 100 kilo. In Great Britain, Foreign Cotton pays a duty of 2s 11d the cwt—which reduced into French currency and weight, is 7 francs and 37 centimes the 100 kilos. We cannot expect France will reduce the duty on our cotton so that it shall pay less or even as small a duty as the cotton of their own colonies. But, provided this Govt. were willing to place our cotton on a footing with that of their colonies—which is very improbable—ought we to make any important concession, for the same, seeing that our cotton is now received in Gt Britain at a rate very little higher and without any concession to the commerce of that country? Is it not advisable to reserve the right of transit and the free introduction of French wines into Texas for more important negotiations? The guarantee of a Loan by the French Govt I regard now as utterly hopeless; they consider the revocation of the Proclamation of 11th Feby 1840 as having been occasioned by their refusal to guarantee the Texian Loan which General Hamilton was charged to negotiate.

In consequence of the generally unfavorable character of the news circulated in Europe about Texas, based in a good degree on the defeat of Col. Fisher,<sup>a</sup> and still more on the atrocious statements of the condition of our country copied from the opposition newspapers of Texas. I have abstained from any endeavors recently to extend our international relations with the single exception of Belgium. The conversations I have held with the Belgian Chargé d' Affaires at this Court induce me to believe we could now negotiate successfully with that Power. He proposed some time since to ask for me an

<sup>a</sup> The leader of that portion of Somervell's men who refused to abandon the campaign against Mexico in 1842 and were captured at Mier.

audience in relation to this matter with King Leopold who is expected to arrive in Paris tomorrow or the day after. He comes to France to be present at the nuptials of the Princess Clementine which are to take place on the 19th Instant.

It is to be regretted that General Cass has resigned his post here. His dispositions were very friendly towards our country, and his long residence and personal character gave much weight to his representations.

I shall leave for London in 8 or 10 days where I intend to spend a month. Mr Bourgeois will meet me there. He thinks that the Loan may be negotiated there conformably to my last instructions, a portion of which have been communicated to him. I take the liberty of assuring you that I shall not transcend my instructions by positive arrangements except where *fully* authorized, nor permit our credit to attain any disagreeable notoriety, nor the negotiations to run into interminable delays.

In London my attention will be given to the establishment of relations with Spain; in which I hope to have the aid of the English Government. Without their countenance I deem success at this time quite improbable.

I am pleased to learn the appointment of Mr Daingerfield. The residence of a gentleman as representative of a country in any of the European Capitals exerts a very decidedly favorable influence—in regard to the minor states it is at least an evidence of their existence.

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Our relations on the whole are on a good footing. Our worst enemy in Europe is the calumnies of our own newspapers. These will after a while cease to have any effect—indeed I can already perceive they are beginning to be properly appreciated.

I have the honor to be  
very respectfully  
Your most obedient  
Servant

ASHBEL SMITH.

Ashbel Smith to His Exy Monsieur Guizot.

LEGATION OF TEXAS PARIS

February 19. 1843.

SIR,

His Excellency the President of the Republic of Texas has issued a Proclamation revoking the Proclamation of February 11th 1840, which abolished temporarily the duties on French wines imported into Texas. This is to take effect on the 15th Instant, after which

<sup>a</sup> The paragraph omitted refers to Smith's salary.

time the duties imposed by Law and the Treaty between Texas and France are to be demanded by the Collectors of the Customs on French wines imported into Texas.

The facts which I had the honor to mention in conversation with Your Excellency show that the Government of Texas in taking this step have not been influenced by any feeling unfriendly to the interests of the Commerce of France

I avail myself of this opportunity  
etc., etc..

ASHBEL SMITH.

His Excellency Monsieur Guizot to Ashbel Smith.

PARIS, le 28 février, 1843.

MONSIEUR,

J'ai reçu la lettre que vous m'avez fait l'honneur de m'écrire le 19 de ce mois pour m'annoncer que le Gouvernement Texien a révoqué la proclamation du 11 Février 1840, en vertu de laquelle les vins de France importés directement, par navires Français ou Texiens étaient affranchis de tout droit dans les ports de la République, et qu'à partir du 15 février 1843, ces vins ont dû payer les droits résultant de l'action combinée de la loi de douanes et du traité du 25 Septembre 1839 entre la France et le Texas.

Pour juger, Monsieur, jusqu'à quel point cette mesure inattendue, qui est au moins empreinte d'un caractère fâcheux de rétroactivité, peut affecter les intérêts du Commerce français et motiver de justes réclamations je me vois forcé d'attendre que M. le Vte. de Cramayel m'ait fait part des explications qu'il a dû recevoir à ce sujet du Gouvernement Texien.

J'ai l'honneur d'être, Monsieur, avec une considération très distinguée, votre très humble et très obéissant serviteur.

Signé **Guzzot**

(Copy)

## LEGATION OF TEXAS. PARIS.

March 6 1843

SIR.

I have the honor to inform Your Excellency that I have received from my Government full powers to conclude a Treaty with any person similarly empowered on the part of His Majesty's Government, of and concerning, Amity, Commerce, Navigation, Commercial Privileges or National Guarantees.

Should Your Excellency think the interests or relations of the two Countries could be improved by this means, I shall be happy to enter

upon a consideration of this subject at such time and in such manner as Your Excellency may deem best.

I avail myself of this occasion to renew to Your Excellency assurances of the very distinguished consideration with which I have the honor to be

Your very obedient  
and humble servant

ASHBEL SMITH

His Excellency Mr GUIZOT, *Minister of Foreign Affairs, etc. etc. etc.*

Ashbel Smith to His Excellency Monsieur Guizot.

LEGATION OF TEXAS, PARIS

30th March 1843

The Undersigned Chargé d'Affaires of the Republic of Texas, has the honor to acknowledge the receipt of the Note, dated the 28th of February, from His Excellency, Monsieur Guizot Minister for Foreign Affairs, relative to a recent Proclamation of His Excellency the President of Texas, revoking the Proclamation of the 11th of February 1840 which abolished temporarily the duties on French Wines imported into Texas.

The Undersigned regrets that the act of revocation in question should be viewed by His Majesty's Government as partaking of an unfavorable character of retroactivity, such as to require further explanations; he trusts however that a consideration of all the circumstances will lead His Majesty's Ministers to regard the revocation as dictated by the immediate interests of Texas, and as being in no degree inconsistent with the very friendly feelings which animate the Government of that country and its citizens for the Government and Citizens of His Majesty the King of the French.

The Undersigned would respectfully submit to His Excellency Mons Guizot that the Proclamation of the 11th February 1840, was on the part of Texas wholly gratuitous, and not in consideration of any advantage or equivalent whatsoever conceded by France to Texas; and therefore that it was entirely competent to Texas to revoke the same whenever the interests of the country should require such a measure; and consequently, that, due notice being given of such revocation for the guidance of shippers of French Wines, His Majesty's Government cannot justly take umbrage thereat.

It is believed that it will appear to His Majesty's Government that adequate motives for the revocation of the free introduction of wines exist in the financial system of Texas which derives nearly all of its revenues through the Customs, and in the circumstances of the country engaged in a war and compelled to render available every source of revenue which is just legitimate and honorable.

The Undersigned would also state that the exemption of French Wines without the concession of any equivalent by France to Texas gave rise to reclamations on the part of other Powers, which by treaty with Texas were placed on the footing of the most favored nations.

The wines of France, as stipulated by Treaty are admitted into Texas subject to a duty two fifths less than that paid by wines imported from other countries. During most of the time that the Proclamation of the 11th February abolishing the duties on French Wines, was in vigor, the duties of Texas were receivable in Promissory Notes, a currency which at length became so greatly depreciated, that the exemption on some wines was practically very little more than nominal. By an act of Congress passed last year, the Customs are collected in Gold and Silver or their equivalent; whereby, French Wines though now paying three fifths duties, agreeably to the treaty stipulations, enjoy really a greater immunity in view of the duties paid by other wines, than they did previously under the Proclamation of the 11th Feby while duties were payable in the depreciated Promissory Notes.

The Undersigned would also advert to the fact that authority has been transmitted to him to make a commercial arrangement whereby French Wines may be introduced into Texas free of duty in exchange for equivalent advantages on the part of His Majesty's Government, as evidence that the act in question was not dictated by a spirit unfriendly to the interests of French Commerce, but chiefly by the present circumstances of Texas which render it impossible to dispense with any proper source of revenue except in return for equivalent concessions. And he flatters himself that on a review of the facts, His Majesty's Government will discover in the course herein pursued by Texas nothing inconsistent with the just claims of France nor incompatible with that sincere regard which Texas has invariably and so justly entertained for the first European Power which recognized its National existence.

The Undersigned avails himself of this occasion to renew to His Excellency the Minister for Foreign Affairs etc. etc.

ASHBEL SMITH.

His Excellency Mr. Guizot to Ashbel Smith.

PARIS le 8 Avril 1843

MONSIEUR,

Vous m'avez fait l'honneur de m'annoncer que vous vous trouviez autorisé par votre Gouvernement à négocier avec le Gouvernement du Roi un nouveau traité d'amitié, de commerce, et de Navigation, dans le but d'étendre et de développer les rapports existants entre les deux Pays.

Ce but est trop conforme aux sentiments dont le Gouvernement du Roi est lui-même animé à l'égard du Texas, pour que je ne sois pas très disposé, Monsieur, à m'entendre avec vous sur les moyens les plus propres à y parvenir. Je craindrais toutefois de ne pouvoir en ce moment, m'en occuper avec toute l'assiduité qu'exige l'importance du sujet. J'ai autorisé en conséquence, M. Dubois de Saligny, Chargé d'Affaires du Roi au Texas, qui se trouve momentanément à Paris, à recevoir vos propositions et à conférer avec vous. Je me plaît à croire, Monsieur, que ce choix vous sera agréable.

J'ai l'honneur d'être, Monsieur, avec une considération très distinguée

Votre très humble et très obéissant serviteur

signé

GUIZOT.

Ashbel Smith to His Excellency Mr Guizot.

LEGATION OF TEXAS, PARIS

April — 1843.

SIR

Since my note of the fourth February I have received further despatches from my Government touching the manner in which Mexico continues to wage war against Texas; extracts from which despatches I have the honor to transmit herewith to your Excellency.

The first extract presents a succinct outline of the principal events in the war between Texas and Mexico. From this it will be manifest that Texas has conducted hostilities conformably to the usages of civilized warfare, treating the vanquished with good faith, mercy and even kindness and invariably restoring them to liberty; while on the other hand the Mexicans have treated the prisoners made by them with the most wanton barbarity, stripped them of their clothing, tied them to the tails of horses, chained them together and forced them to perform the most degrading offices elsewhere imposed only on abandoned felons, thrown them into dungeons suffered them to perish from exposure, starvation, and cruelty, and murdered them in cold blood.

Not only have these things been done to prisoners who capitulated on written conditions of being treated according to the humane usage of modern warfare; but the Mexicans have sent bands of marauders upon the frontier of Texas who have seized defenceless citizens engaged in peaceful occupations, whom they have treated in the same brutal and atrocious manner.

I have the honor to subjoin also another extract of a despatch from the Secretary of State of Texas, dated January 23d which will

\* This is probably the letter referred to in Guizot to Smith inclosed with Smith to Jones as of April 4.

inform Your Excellency that the Mexican Government are now endeavoring to stir up against the citizens of Texas, the Indian Tribes whose merciless warfare and indiscriminate butchery of women and children are of universal notoriety.

In confirmation of the manner in which the war has been waged by Texas and Mexico respectively, I have been furnished with documents by my Government, consisting of orders from His Excellency the President to General Somervell commanding on the Western Frontier of Texas, of the reports of General Somervell and of the Adjutant General, and of Mr. Andrew Neill one of the citizens seized at Bexar and who subsequently escaped.<sup>a</sup>

From the present communication and the one I had the honor to make formerly on this subject, Your Excellency will perceive that it is not against the prosecution of hostilities by Mexico that Texas protests, but against the wanton and unauthorized cruelties and disregard of the plighted faith of its officers which have hitherto characterized the conduct of Mexico in its contest with Texas.

I avail myself etc. etc.

ASHBEL SMITH.

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SMITH TO JONES.<sup>b</sup>

[Concerns Smith's salary.]

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GUIZOT TO SMITH.<sup>c</sup>

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SMITH TO JONES.<sup>d</sup>

No 37

LEGATION OF TEXAS PARIS

April 15. 1843.

Hon ANSON JONES

*Secretary of State.*

SIR,

In a communication made to your Department a few days since, I acknowledged the receipt of your despatches up to the 26th February inclusive. I wrote at the same time to His Excellency the President. My despatches were sent through England to be thence forwarded by the Great Western to the United States. I have since

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<sup>a</sup> Neill's report has not been found.

<sup>b</sup> April 15, 1843.

<sup>c</sup> Undated but written between the 10th and 27th of April, 1843. See Smith to Jones, April 27, 1843.

<sup>d</sup>A. L. S.

learned that the Western will not sail from England until the 29th of this month. I shall therefore briefly allude to some matters contained in my last communications.

Our relations with this Court appear to me to be quite satisfactory. A prompt and very friendly attention is given to every subject I have submitted to their consideration. I am persuaded their good offices are sincerely and actively exerted to effect a peace between our country and Mexico; and Mr Guizot assured me, as mentioned in my former despatches, that their Minister at Mexico would be promptly instructed to make the proper representations to the Mexican Government to induce them to abstain from their cruel treatment of Texian Prisoners and henceforth to conduct hostilities agreeably to the more humane usages of civilized nations.

Some unpleasant feeling was created by the restoration of the duties on French Wines conformably to the Treaty; and a remark of Mr Guizot's in a note to me leads me to think that the Vte. de Craymeyel has been instructed to ask of our Government the reasons for revoking the temporary abolition of the duties on Wines. In a note to Mr Guizot I explained the very obvious policy of this step, and I trust the dissatisfaction created by it has subsided. Copies of these notes have been forwarded to your Department. I have also sent copies of my note to Mr Guizot informing him of my having been furnished with powers to negotiate etc.; and of his reply thereto, couched in very friendly terms, and informing me of the appointment of a gentleman to conduct his business, on the part of the French Government. No important results however are anticipated; the guarantee of our Loan I am confidently assured will not be accorded. Nor does it appear to me practicable to obtain the entry of our cotton into France on such terms as would render it an object for us to make any concessions. French colonial cotton pays a duty of 6 60/100 francs, the 100 kilo: Mediterranean cotton pays 11 francs, all other cottons including Texian pays 20 francs, added the 10th that is, 22 francs the 100 kilos. A discriminating duty will always be maintained in favor of their Colonial cotton. The best we can do will be to get the cotton of Texas placed on the same footing as the Mediterranean, that is, subject to a duty of 11 francs the 100 kilos. I do not however deem this by any means as an equivalent for the free introduction of French wines into Texas. In Great Britain, foreign cottons embracing Texian; pay 2s 10d the cwt—very nearly 7 35/100 francs, being very little more than colonial cotton pays in France. I have represented that the high tax on raw cotton augments the price which the manufacturer must ask for his goods. It is replied that it affords a large and legitimate revenue to the Government.

Mr. Bourgeois has thought it advisable to visit London to try to effect his Loan there. Private letters inform me of the very great

abundance of money in that market. Mr. Bourgeois and I are to meet there in 10 days. The Texian Loan of Mr Bourgeois has had no publicity in Paris; the same care will be used to avoid the *disagreeable notoriety* which our Bonds formerly had, in London. Although our standing is *decidedly better* than it was several months since, I am not very sanguine in relation to the Loan, especially as it has to encounter the depressed state of American Credit. Otherwise it would, by the great advantages offered, commend itself strongly to Capitalists. I shall keep *most strictly* within the limits of my instructions.

In London, I shall ascertain with care and exactness, the ability of the Company consisting of Messrs Carroll, Converse, Mercer, Mawe and Stukely to carry out the provisions of their contract, and the manner of their conducting the enterprise; and I shall inform your department accordingly.

I shall renew in London also my relations with General Sancho Minister of Spain. The respective relations of the French and English Govts. towards that of Espartero, which are well known to you, point out London as decidedly preferable to Paris for negotiating with Spain. I hope too to receive some aid now from the British Government in this matter since the satisfactory intelligence in relation to Texas which they have received from Mr. Elliott and Mr Kennedy.

I shall also communicate personally with the Earl of Aberdeen in relation to the manner in which hostilities are conducted by Mexico, and to the prospects of the establishment of peace between Texas and Mexico through the good offices of the friendly Powers.

News was brought a few days since that the Mexican Congress had adjourned to Xalapa where they had passed resolutions to discontinue hostile operations against Texas and Yucatan. This intelligence has appeared to me so important, that with other reasons, I have been induced to take no steps in relation to the Letters of Marque sent me, until more certain information shall be received concerning the proceedings in Mexico. The issuing of these commissions has moreover been deemed by me as an act requiring very great prudence—and I have concluded to defer, until a personal interview with Lord Aberdeen shall apprise me of the prospects of peace through mediation. In France I shall have the counsels of Admiral Baudin in this matter; a very sincere and efficient friend of Texas and standing very well with this Government.

I have appointed *ad interim* Monsieur Pierre Brunet, Consular Agent for Paris. He is the head of a very respectable Banking House formerly of Toulouse—and now a Banker of Paris. My inquiries concerning him were minute and the answers satisfactory.

He appears to be acceptable to this Govt. which has granted him the provisory permission etc. I think he would make a good Consul General—if one be deemed necessary for France.

I have also appointed provisorily, Monsieur Maly E. Dumon, Consular Agent of Cette a brisk commercial town on the Mediterranean. He is *well* recommended, a nephew of the Deputy a very influential member of the Chamber, and connected with the house at Bordeaux now freighting a ship for Galveston. I think he would be a good Consul.

With great respect

Your very obedient servant

ASHBEL SMITH.

SMITH TO GUIZOT.<sup>a</sup>

SMITH TO JONES.<sup>b</sup>

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LEGATION OF TEXAS,  
Paris, April 27, 1843.

Hon ANSON JONES  
*Secretary of State*

SIR,

I have the honor to transmit to your department a copy of Monsieur Guizots note in answer to my communications to him concerning the manner in which hostilities are waged by Mexico against Texas. My preceding despatches contain full details on this subject.

My attention was attracted a few days since to a Circular from the Prefect of the Department of Doubs concerning emigration to Texas. The gravity of the matters therein alleged and the official character of the Circular appeared to me to entitle it to notice. I accordingly write to Mons Guizot on this subject. Copies of the Prefect's Circular and of my note to Monsieur Guizot are herewith transmitted.

I also send copies of a letter of Mr H. Castro and of my answer thereto, in relation to the laws of Texas concerning the descent of property belonging to persons emigrating from Europe and dying in Texas. I was informed that the Grand Duchy of Baden would oppose the emigration of its subjects, until satisfied on this point. The same inquiry was formerly made by that Government of Mr. Gallatin the American Minister here, in relation to the laws of the United States.

A long report has been made to the French Chambers by the Duke de Broglie adverse to Slavery generally, and proposing its abolition

<sup>a</sup>April 25, 1843. See Smith to Jones, April 27, 1843.

<sup>b</sup>A. L. S.

in the French Colonies. I need not enter into the details of the plan proposed by the report of the Duke de Broglie as the subject will not be taken up at the present session; and it is moreover the opinion of the best informed here that this plan will not be adopted eventually. I regard however the abolition of Slavery in the French Colonies as certain at no distant period. The abolition party in Europe is numerous, powerful and very active; and is determined ere long to attack the institutions of slavery in America by every means it can employ. This subject is fraught with much importance to Texas.

I find no reason to change any thing in the favorable accounts given in my recent despatches of our relations with France and Great Britain.

I had a very full consultation some days since with Admiral Baudin concerning the granting of Letters of Marque. He says public sentiment in France is so universally hostile to privateering, that for the *honor of Texas* he would advise not to deliver any commissions. I have accordingly determined to do nothing in this matter until I shall have consulted with Col Daingerfield whose arrival I am expecting daily. It has moreover appeared to me that His Excellency the President consented to the issuing of Letters of Marque very reluctantly.

I have the honor to be  
with great respect  
Your very obedient servant.

ASHBEL SMITH.

His Excellency Monsieur Guizot to Ashbel Smith.

"MONSIEUR, J'ai reçu avec les documens y annexés, les lettres que vous m'avez fait l'honneur de m'écrire le 4<sup>a</sup> et le 10 de ce mois pour signaler au Gouvernement du Roi les actes de cruauté commis par les Mexicains dans la guerre engagée depuis plusieurs années entre le Mexique et le Texas.

Le Gouvernement de sa Majesté ne pouvait apprendre qu'avec peine un état de choses si contraire aux principes du droit des gens et aux lois de la guerre parmi les nations civilisées. Il en désire vivement la cessation, et je viens d'écrire au Ministre du roi à Mexico, pour lui recommander d'appeler la sérieuse attention du Gouvernement Mexicain sur les motifs qui doivent l'engager à user de son autorité afin d'y mettre un terme. En transmettant ces instructions à M. le Baron Alleye de Cyprey, j'ai saisi avec plaisir l'occasion d'accomplir un devoir d'humanité et de donner une nouvelle preuve de la sympathie du Gouvernement du Roi pour le Texas. Je ne puis

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<sup>a</sup> Possibly the letter referred to here is Smith's of the 11th. None of the 10th has been found.

d'ailleurs que féliciter cette République d'avoir compris ce qu'il y avait d'honorables pour elle à ne point imiter des actes de barbarie que rien ne saurait excuser, et d'avoir laissé jusqu'à présent à ses adversaires toute la responsabilité d'une telle manière d'agir.

Recevez, Monsieur, l'assurance de la considération très distinguée avec laquelle j'ai l'honneur d'être votre très humble et très obéissant serviteur,

GUIZOT "

Ashbel Smith to His Excellency Mr Guizot.

LEGATION OF TEXAS, PARIS

April 25. 1843.

SIR,

My attention has been directed to a circular dated the 12th April addressed by the Prefet of Doubs to the Sous-prefets and Maires concerning emigration to Texas. The official character of this communication and the gravity of the matters alleged require notice.

The Prefet in his circular states:—"Les premiers émigrans qui appartiennent à la Lorraine, ont eu l'imprudence d'échanger leur argent contre des traites payables au Texas. Mais ils ont été dupés de leur simplicité et de leur bonne foi; arrivés dans ce pays lointain ils n'ont trouvé personne pour payer ces traites, et se sont vus sans ressources comme sans appui."

It is very probably known to Your Excellency that two Concessions have been made by the Government of Texas to French citizens for the introduction of colonists into that country. I have made inquiry of these parties and have received assurances that they have drawn no drafts on Texas; much less in the manner stated above. If however any act of fraud or bad faith has been in any manner practiced upon French citizens going to Texas, by persons any of whose acts are recognized by the Government of Texas, I beg Your Excellency will cause the same to be made known to me. I shall immediately communicate such facts to my Government which I am sure will take prompt steps to signify its decided disapprobation and to prevent so far as in its power, the possibility of any improper conduct for the future.

For the acts of individuals or companies in Europe, fraudulently pretending to sell lands in Texas, who are unknown to and unauthorized by the Government of that country, Texas is not responsible, nor can it exert any control over the conduct of such individuals in Europe.

It appears from the first paragraph of the Préfet's circular, that he has been incorrectly informed in relation to Texas; but it does

not come within the scope of my communication to point out inaccuracies of this nature.

I have the honor to renew to your Excellency assurances of the very distinguished consideration with which I am

Your most obedient and very humble servant.

ASHBEL SMITH.

Monsieur Henry Castro to Ashbel Smith.

D'après la demande réitérée de Mess. Hulz & Ce. de (Neufreischtadt<sup>a</sup>), Grand Duché de Bade, agents de ma colonization au Texas, Je viens vous prier de me faire connaître si les héritages des Etrangers décédés au Texas sont sujets à aucune Taxe autre que celles qui atteignent les citoyens du pays. Il paraît que l'autorité du Grand Duché a besoin de cette Justification avant de délivrer des passeports aux cultivateurs disposés à emigrer.

J'ai l'honneur d'être avec considération

Votre très humble serviteur

Signé

HR. CASTRO

Mars 5 1843

Paris.

Ashbel Smith to Henri Castro.

LEGATION OF TEXAS, PARIS

*23 March 1843*

SIR,

In reply to inquiries contained in your letter of the 5th Instant I have the honor to state; that,

Emigrants from any country whatever to Texas may dispose by will both of their real and personal property, subject to no other tax or charges than such as are paid by the native born citizens of the country; and, that,

Under the existing Laws of Texas any property devolving to a foreigner by will or as heir at law is paid over to him or his heirs, subject to no other charges or deduction than such as are paid in similar circumstances by native born citizens of Texas.

With assurances of the highest consideration I am

Very respectfully

Your most obed. servant

ASHBEL SMITH.

GUIZOT TO SMITH<sup>b</sup>

<sup>a</sup> Neufreistett.

<sup>b</sup> April 28, 1843. See Smith to Jones, June 16, 1843.

HOUSTON TO CRAMAYEL.<sup>a</sup>

EXECUTIVE DEPARTMENT,

Washington, [Texas] May 6th., 1843,

To Viscount de CRAMAYEL,

*Etc. etc. etc.*

DEAR COUNT—Out of the routine of regular diplomatic correspondence, and in the absence of the Secretary of State, I take pleasure in communicating to you the accompanying documents.<sup>b</sup> This is designed to place in your possession such information as will be proper to enable you to take such measures as you may deem advisable in the present emergency of our country, and to exonerate the nation from the shameful charge of duplicity.

The maintenance of good faith and the execution of the law are so essential to the interchange of national transactions, that I feel peculiarly solicitous to present the very complexion of facts to the representative of those governments from whom we have ever received such kind manifestations as from His Majesty the King of the French.

I will offer no commentary on the acts which are submitted for your contemplation and action. You are most competent to judge of the measures which, under such circumstances, should be pursued. With salutations of esteem and regard,

I am very truly your friend,

GUIZOT TO SMITH.<sup>c</sup>

## JONES TO CRAMAYEL.

DEPARTMENT OF STATE,

Washington [Texas] May 17th 1843

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledged the receipt of the note addressed him on the <sup>d</sup>March Ult by the Viscompte de Cramayel Charge d'Affaires of His Majesty the King of the French, in relation to a complaint made by Mr. Guilbeau Consular Agent of France at San Antonio de Bexar of certain acts of violence committed upon him by the Texian volunteers under the orders of Gen. Sommerville.

<sup>a</sup> See Records of Department of State (Texas), Book 40, p. 247.

<sup>b</sup> The documents that are referred to, if they have been found, have not been identified.

<sup>c</sup> May 8, 1843. See Smith to Jones, June 16, 1843.

<sup>d</sup> The day of the month was not given in Cramayel's letter.

Upon the receipt of Vicompte de Cramayel's communication enquiries were made in relation to the act complained of by Mr. Guilbeau which have resulted in establishing the fact that the property was taken from him as he stated for the use of the army then at Bexar and consequently this government holds itself bound to make him prompt compensation to the amount of one hundred and sixty four dollars.

The necessities of the army at the time imperiously requiring the articles which were taken for its use the undersigned will observe that Mr. Guilbeau having always exercised and enjoyed the rights privileges and immunities of a Citizen of Texas the undersigned conieves that he was properly liable in that capacity to the requisition which was made upon him for these articles

In relation to the manner in which the Consular Agent was treated by the soldiers and the insults offered him and the flag of France, the officer commanding those forces has been called upon for a report, and every means will be used by the government to inform itself as to who were the offenders and if the fault shall be found to attach to the General in command I am instructed to assure M. de Cramayel that he will be promptly dismissed from the service of the government, and if the errors and irregularities were committed without his knowledge or contrary to his orders every proper effort will be used to punish the offenders.

The undersigned has the honor to assure M. d'Cramayel that The government of Texas, will never sanction either directly or indirectly any departure by her citizens from the high principles of international law and the usages common among civilized nations and that no effort will be omitted to bring the offenders in the present case to justice and to inflict such punishment as our laws attach to the offences which may have been committed. And inasmuch as this government solemnly declares that she will observe all her national obligations towards the various powers in amity with her, and protests against their violation by any of her citizens She feels herself especially bound to observe them in respect to France, a power for whom she has ever entertained the highest respect, and the most friendly feelings induced by the many acts of generous magnanimity and kindness which France has extended to her.

The Undersigned embraces this occasion to renew to the Vicompte de Cramayel the assurances of his high consideration

Signed      ANSON JONES.

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JONES TO SMITH.<sup>a</sup>

CRAMAYEL TO JONES.<sup>a</sup>

Légation de France  
au Texas

GALVESTON, le 10 Juin 1843

Monsieur le SECRÉTAIRE D'ETAT

J'ai reçu la lettre que vous m'avez fait l'honneur de m'adresser en date du 17 mai dernier en réponse à la réclamation que je vous avais présentée pour les exactions et injures dont avait été victime l'Agent Consulaire à Bejar.

C'est avec plaisir que je vois le Gouvernement Texien par votre organe désavouer hautement la conduite illégale de quelques miliciens indisciplinés envers un agent français et surtout protester du désir constant de faire observer les droits internationaux en assurant en tout temps au Pavillon français le respect qui lui appartient. Je n'attendais pas moins des sentiments d'équité et de loyauté qui animent l'administration Texienne et en particulier des dispositions amicales dont elle a toujours fait preuve envers la France. J'espère donc en toute confiance qu'elle ne manquera pas, ainsi que vous me l'assurez, de poursuivre les coupables et de donner ainsi un exemple qui prévienne le retour de semblables désordres en même temps qu'elle indemniserai M. Guilbeau du tort qu'il a éprouvé.

Je regrette vivement Monsieur le Secrétaire d'Etat, en vous remerciant de cette communication d'avoir à vous entretenir encore d'une nouvelle violence dont le même M. Guilbeau, comme individu privé, vient d'avoir à souffrir.

Le 3 mars dernier M. Guilbeau ayant expédié de San Antonio pour la Vaca un chariot attelé de boeufs, le conducteur de ce chariot a été attaqué et assassiné par des brigands qui ont ensuite volé les boeufs. Il résulterait de renseignemens pris sur les lieux, que les animaux ont été volés par des individus appartenant à une famille nommé Taylor et se trouvent encore sur la ferme de cette même famille située à Quero<sup>b</sup> sur le Guadalupe-river à 30 miles au-dessus de Victoria. L'impossibilité de se faire rendre justice par les voies ordinaires a obligé le plaignant à s'adresser à la Légation Française et je viens encore vous prier, Monsieur le Secrétaire d'Etat, de vouloir bien faire prendre des informations sur cette affaire afin de constater les faits indiqués et faire poursuivre les delinquants.

Je profite avec empressement de cette occasion, Monsieur le Secrétaire d'Etat, pour vous renouveler l'assurance de ma haute considération

Le Chargé d'Affaires de France au Texas

Vte. J. DE CRAMAYEL

A l'Honorable Monsieur ANSON JONES, Secrétaire d'Etat etc etc etc

DAINGERFIELD TO SMITH.<sup>a</sup>

PARIS HOTEL DE PARIS,

12th June 1843

Hon. ASHBELL SMITH

*Chargé d'Affaires etc etc*

DEAR SIR

I arrived here on the 5th. of June and was much disappointed at not finding you in Paris. Mr Brower (The Texan Consul) in New York was of opinion that you were here otherwise I should most probably have come to London. I did not see our Consul in Havre when I called upon him, but yesterday I received a most polite note from him giving me your address in London to which I hasten to direct this letter Mr Castro informs me this morning that you are *daily expected* here, and that you have ordered your letters to be detained; I shall consequently reserve for a personal interview my communications with regard to affairs at home; I have some papers and letters for you of no very great importance, and shall therefore retain them until I see you here which I hope will be as soon as your affairs at London will permit your departure. I remain most sincerely your friend.

(Signed) Wm HENRY DAINGERFIELD  
*etc. etc. etc.*

JONES TO CRAMAYEL.

DEPARTMENT OF STATE

Washington [Texas] June 15th. 1843

The Undersigned Secretary of State of the Republic of Texas has received the note which M. le Vicompte Cramayel Chargé d'Affaires of his Majesty the King of the French did him the honor to address him on the 10th Inst, informing this Department of an alleged act of violence committed upon the servant and property of Mr. Guilbeau Consular agent of the French Govt. near Cuero on the Guadalupe River.

Immediate steps will be taken by this Government to cause an investigation into this matter and every effort will be made to cause justice to be done to Mr. Guilbeau; to punish the offenders in the premises whoever they may have been, and to restore any property illegally detained.

The undersigned avails himself of the present occasion to renew to the Vicompte de Cramayel assurances of the high consideration with which he has the honor to be

Your faithful

and obt. Svt.

Signed ANSON JONES

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<sup>a</sup> See Records of Department of State (Texas), Book 55, p. 12.

SMITH TO JONES.<sup>a</sup>

LEGATION OF TEXAS, LONDON

June 16. 1843

The Hon ANSON JONES  
*Secretary of State*

SIR,

Since my arrival in London some days since, I have received a letter from Monsieur Guizot dated the 8th of May in answer to mine of the 25th of April relative to the circular of the Prefect of Doubs addressed to persons proposing to emigrate to Texas. A copy of Mr Guizot's letter is herewith sent. You will perceive that the proceedings of the French Government are directed against the colonization operations chiefly of Mr. Castro. From the tenor of Mr. Guizot's letter and from some conversation with Monsieur Desages Under Secretary of State for Foreign Affaires at Paris, it appears that one of the principal causes of complaint against Mr. Castro is that he has not made adequate provision for the reception and comfort of the emigrants on their arrival in Texas. Monsieur Guizot's letter also intimates that this subject has been presented to the Government of Texas, through, it is presumed Monsieur de Cramayel, the French Chargé d'Affaires in our Country. Several of my former Despatches to your Department will show that I have urged on Mr Castro with much earnestness the necessity of making suitable preparations for receiving his colonists on their arrival in Texas. Of his course in this respect you possess already the requisite knowledge. In regard to his conduct in France, connected with this enterprise of colonization, no act of an improper character has yet come to my knowledge. I need not inform you again that he is personally unacceptable to the present administration of the French Government, nor advert to the controlling influence exerted by that Government over the enterprises of all its citizens.

When Mr Bourgeois was in London a few days since he endeavored to make some arrangements for carrying into effect his Contract for colonization. I have some reason to apprehend that so long as the present unfavorable accounts continue to be received from Texas, emigrants of a desirable character will with difficulty be persuaded to remove to our country. The same cause, to wit, the unfavorable reports contained in the newspapers of the condition of our affairs, has created a little hesitation in some members of the Red River Colonization company, of which Mr Converse is Agent.

I was presented to Leopold, King of the Belgians at Paris, when he intimated to me his belief that arrangements mutually advantageous to Texas and Belgium could be established between the two countries. He repeated the same opinion to me subsequently at Brus-

sels, through which town I passed on my way to London. At the same time, the Belgian Minister for Foreign Affairs, Count Goblet d'Alviella distinctly assured me that the King was decided to make a Treaty with Texas, and that he delayed doing so for the moment only in consequence of some negotiations with Mexico not yet definitively settled. I suspect however that the generally unfavorable character of the late news from Texas may have had some influence in occasioning the delay.

The present mail will bring you letters from Monsieur Bourgeois concerning the Loan. Under ordinary circumstances, it could be negotiated without any difficulty. I am not now sanguine of success. I have impressed on Mr. Bourgeois the propriety of avoiding to give this subject any publicity. He has seemed fully to appreciate the judiciousness of so doing, and so far as I am informed, has acted with discretion. I do not enter into details as he has doubtless communicated them to your Department.

I send also a copy of a note from Mr Guizot enclosing six notices of Lights established on the coast of France, for the guidance of vessels. These notices will be carried out by Mr Barnard who expects to leave in a few days for Texas.

Further observation and inquiry confirm me fully in recommending Monsieur Pierre Brunet for the appointment of Consul General at Paris.

On my arrival here I had some conversation with Mr Addington, Under Secretary of State, who is understood to have the management of the Spanish relations, with this Court, for the purpose of engaging the aid of this Government towards the establishment of treaty relations between our Country and Spain. Mr Addington though intimating that this Govt is favorably disposed to aid us in this matter, thought the present moment inauspicious for renewing this subject; And the present extremely precarious position of Espartero confirms his sagacity. Our relations at this Court will be the subject of a separate despatch, to be forwarded at the same time as the present. I now have the honor to be with great respect your most obedient servant

ASHBEL SMITH

Monsieur Guizot to Ashbel Smith.

Le Ministre des Affaires Etrangères a l'honneur de transmettre à Monsieur le Chargé d'Affaires du Texas à Paris 6 exemplaires d'un avis ayant pour objet d'annoncer la mise en activité, à partir du 1er Mai prochain, du nouveau phare de Dunquerque, et du phare de Gravelines, Dept. du Nord.

M. Guizot saisit avec empressement cette occasion de renouveler à Monsieur Ashbel Smith les assurances de sa considération la plus distinguée.

28 Avril 1843.

Monsieur Guizot to Ashbel Smith.

PARIS le 8 Mai 1843

MONSIEUR,

J'ai reçu la lettre que vous m'avez fait l'honneur de m'adresser le 25 du mois dernier et par laquelle vous appelez mon intention sur une circulaire publiée par M. le Préfet du Doubs au sujet des manœuvres frauduleuses dont quelques Français émigrés pour le Texas, ont été victimes.

J'apprécie, Monsieur, le sentiment qui vous porte à offrir votre concours empressé pour signaler à la répression de votre Gouvernement les manœuvres de ce genre qui pourraient être attribuées à des agents d'émigration avoués par lui; mais je me félicite de pouvoir vous donner l'assurance qu'il n'est parvenu, quant à présent au Gouvernement du Roi aucune plainte contre les concessionnaires Français qui lui sont connus comme ayant été directement encouragés dans leurs tentatives de colonization par le gouvernement Texien. La publication que M. le Préfet du Doubs et quelques autres Préfets ont faite par ordre du Gouvernement du Roi, est devenue nécessaire pour mettre les émigrants Français en garde contre les intrigues et les fraudes d'individus sans mission et sans garantie, qui cherchent à exploiter la crédulité des émigrants disposé à se rendre au Texas, et qui malheureusement ont réussi à en réduire plusieurs à la misère la plus affreuse; je puis vous signaler au nombre de ces individus, le sieur Castro dont les menées doivent être connues maintenant du Gouvernement Texien et deviendront sans doute l'objet de quelque mesure répressive.

Recevez, Monsieur, l'assurance de la considération très distinguée avec laquelle j'ai l'honneur de'être votre très humble et très obéissant serviteur.

Signé      GUIZOT.

DAINGERFIELD TO SMITH.<sup>a</sup>

HOTEL DE PARIS 17<sup>th</sup> June 1843

MY DEAR SIR

Your letter of the 16th.<sup>b</sup> was handed to me this morning; as you intend returning at so early a date as the 1st. of July, I have determined to await your arrival here in Paris up to that date; I thank you for the wellcome you tender me to Europe, and have found nothing since my arrival to cause me regret and disappointment but your absence: Had I have known that you were in London I would have joined you there, but I was assured that you were in Paris.

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 13-14.

<sup>b</sup> In Correspondence with Great Britain.

This however will all be remedied as I stated before by my awaiting you here up to the time mentioned above; My pleasure at seeing you then great as it would have been under any circumstances will be enhanced by this temporary disappointment.

truly yr friend

(Signed)

DAINGERFIELD

Hon ASHBELL SMITH

*etc. etc. etc.*

*3 St James St London*

JONES TO SMITH.

DEPARTMENT OF STATE

Washington [Texas] June 21st 1843

Hon. ASHEBEL SMITH

*Charge d' Affaires of the Rep. of Texas*

SIR,

My last despatches to you were of the 8th May and the 10th & 15th of the present month. \* \* \* \*

The reply of Mr. Guizot to your communications to him concerning the manner in which hostilities are waged by Mexico against Texas, is extremely gratifying, and is received as a new proof of the friendship of France for Texas, as well as her regard for justice, and the rights of nations.

Your letter to Mr. Guizot in relation to the circular of the Prefect of the Department of Doubs is approved of. No complaints of the kind have been to my knowledge made here, nor have any such transactions as those mentioned by the Prefect been made known. There is however I learn a general complaint in relation to Mr. Castro, that his immigrants are brought to the country destitute in some measure of the necessary means for enabling them to settle either upon their own lands or others and much consequent dissatisfaction is said to exist on the part of those immigrants with the country and with Mr. Castro. All introduction of persons into this country who have not the requisite means of subsistence for the first year should be discouraged as much as possible.

In some of your former communications, you have requested copies of our Laws etc. for presentation to the library of the King as well as to that of the House of Commons of Great Britain. It would give me much pleasure to furnish you full copies for these purposes, but owing to the detention of the archives and other Govt. property at

\* The sentences omitted refer to Smith's salary.

Austin I am unable to do it at present, the Laws being all there So soon as they can be obtained, copies as requested will be forwarded to you.

The Department is well satisfied with your course in relation to the Letters of Marque sent you. You will retain the same untill further instructions.

I have recently enjoyed an opportunity of holding frequent personal interviews with M. le Vicompte Cramayel His Majesty's Chargé d'Affaires here, and feel satisfied that any unfavorable impressions which he may have recieved on his first arrival from the Presidents revocation of the Proclamation of the 11th Feb. 1840 have been removed. The intercourse of M. Cramayel with this government has given the highest possible satisfaction and I trust the mutual interest of the two countries will be promoted by the excellent understanding which now exists between this govt. and the representative of His Majesty

The Armistice now established between Texas and Mexico will I trust much facilitate all your negotiations in Europe, particularly those for the treaty with Spain, as well as those, with Mr. Bourgeois under his contract for the Million Loan. Both of these matters are of great importance, to Texas, and you will seize the present auspicious moment, to effect if possible their consummation

As our relations with Great Britain at this period, are very important and interesting it will probably be proper that you should, reside principally at London for the future.

Very Respectfully

Your obd't Serv't.

Signed

ANSON JONES

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SOMERVELL TO HAMILTON.<sup>a</sup>

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HAMILTON TO JONES.<sup>b</sup>

DEPARTMENT OF WAR AND MARINE,  
Washington [Texas], 27th June, 1843.

SIR:

Your official communication of 27th ulto, covering copy of the translation of a note addressed to you by the Chargé d'affaires of the French Government, relative to indignities alleged to have been offered to the Flag of that nation and to the person of her Consular

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<sup>a</sup> June 27, 1843. See Hamilton to Jones, June 27, 1843.

<sup>b</sup> A. L. S.

Agent, Mr. Gilbeau, at San Antonio de Bexar, in the month of November last, by a portion of the troops of this Republic, then encamped near that place under the command of Brigadier General A. Somervell, was received in due time; <sup>a</sup> and altho, it had the immediate attention of the Dept., it has not until this time possessed the necessary information to reply satisfactorily thereto.

General Somervell was promptly notified of the charges preferred against him, and ordered to repair forthwith to this place and report in person to the Dept to answer to them, but owing to irregularities in the mail or to his remote position from any Post Office his orders did not reach him until recently.

Upon his arrival here, yesterday, his attention was immediately called to the subject, and the nature of the charges more particularly explained. A copy of his answer to them is herewith transmitted, from which it will be seen that he disclaims any intention, even the remotest, of offering insult to the French Flag, or of giving the slightest offence to Mr. Gilbeau either as a functionary of that Government or as a citizen of this Republic.

The extremity to which the army was reduced, obliged him, as reported, at the time to the Department, to resort to impressment—every other means having failed to supply it with Provisions and ammunition. This system of raising supplies has been prohibited by the authorities of the Country, and would not be tolerated except in cases of the last necessity. It has become odious every where by the constant abuse of it. It becomes the duty therefore of every officer who may be charged with the execution of orders of this character, to conciliate by his manly and correct officer-like deportment, and especially to abstain from giving offence to citizens upon whose Property his requisitions are levied.

If Quarter Master Davis, who made the levy in this instance, was so far forgetful of that sense of propriety which should have characterized an officer—of the duties which he owed to his superior and to the laws of his country, as to disregard and treat with contempt the Flag of a Nation whose relations entitle it to the respect of every citizen of the country, and especially of its officers; and to menace or offer violence to the Functionary who had invoked its protection, his conduct—unofficer-like and unauthorized, as it was, merited the severest punishment. It has been officially disavowed by the Commanding officer, and should have been made known to him upon the spot.

Mr. Davis is supposed to have been killed by the Indians while on his homeward march from the army in December following. Should

<sup>a</sup> Jones's letter has not been found; the inclosure was a translation of Cramayel to Jones written in March.

he be still living and make his appearance, be assured that he will receive the fullest reward that his conduct, in this respect entitles him. Of the details made to assist him in the execution of the order, no record of their names can now be found or of the companies from which they were detached. Hence its impossible to identify them.

With the hope that the facts communicated will prove satisfactory.

I have the honor to be

With great respect,

Your obt. servt.

M. C. HAMILTON,  
*actg. Sec. of War and Marine*

Hon. ANSON JONES,  
*Secretary of State.*

(Copy.)

WASHINGTON [TEXAS], 27th June, 1843.

To

M. C. HAMILTON Esq.  
*Actg. Sec. of War and Marine.*

SIR:

It was not until recently that your letter reached me, on the subject of the reputed insult offered to the French Flag at San Antonio. The subject of your letter is so important that I feel deeply impressed, and avail myself of the first moment to respond and render such a statement of facts as will be sustained by truth.

On the 18th November, 1842, I advised the Department that the necessity of the case (as much as I abhor'd it) would compel me to resort to impressment to procure such articles as would be indispensably necessary to keep the Army together. In consequence, the next day, on the 19th, I issued special Order No. 5. (to which I beg leave to refer you as returned to the Dept. of War and Marine) requiring Quarter Master General Wm. G. Cooke to procure for the use of the South western army, five kegs Rifle Power, five hundred pounds Lead and ten or twelve Bushels Salt—that, in the event of his not being able to procure them on the credit of the Government, to have recourse to impressment to obtain them. That the burthen which might have fallen on any other Texian citizen fell on M. Gilbeau for three sacks of salt and 209 lbs Lead, in accordance with the order above alluded to; but that any indignity was offered or intended to be offered by me to the French Flag, I utterly disavow; for I hold in too high estimation (a sentiment I believe in common with Texian) the friendship of the French Nation, to authorize or countenance any act which might be in the least calculated to disturb the harmony

and amicable relations which at present exist between the two Government—or could by probability be construed into an intent to insult the French Flag.

No report of any such misconduct was made to me, which accounts for there having been no enquiry into the matter at the time. Quartermaster H. C. Davis, the officer in the actual discharge of the duty, has since, as report says, been killed by the Comanche Indians—consequently no further information can be procured as to who the guilty persons were.

I have the honor to be  
Very respectfully  
Your obt. Servt.

signed

A. SOMERVELL,  
*Brigadier General*  
*1st Brigade T. M.*

A correct copy of the original on file

M. C. HAMILTON  
*actg. sec. War & Marine.*

WASHINGTON,  
27th. June, 1843.

DAINGERFIELD TO JONES.<sup>a</sup>

HOTEL DE PARIS. RUE RICHELIEU,  
June 28th 1843

Hon. ANSON JONES, Secy of State  
Sir

The last communication I had the honour to address the Department of State was from New York on the 16th of May. I arrived in Havre on the 5th of June and immediately sought out Mr Paravay our Consul at that port, but, unfortunately he was out of town and did not return before I left that city. Not doubting from the information obtained from Mr Brower our Consul in New York that I should find the Hon Ashbell Smith at Paris I hastened on to this city. Upon arriving here I took immediate steps through the American Consul to find the address of our Consul, and through him, to learn the address of the Hon A Smith who I found was in London though daily expected to return to Paris. I have not been able to see the Consul yet—by other means I found out the address of Mr

<sup>a</sup>A. L. S. While Daingerfield was accredited to other governments, this letter relates mainly to the situation in Paris, and it is therefore classified with the Correspondence with France.

Smith and immediately wrote to him. His answer informed me that he would return to Paris about the 1st of July and I determined to await his arrival, as in my future communication, with persons on the Continent the ability to converse in French will be the utmost importance to me and I thought that my time would be much better employed in Paris than in making a hasty trip to London and after staying there a few days, making as hasty a return. My instructions allowed me a month in Paris and I could await the arrival of Mr Smith until the 1st of July and have seven days to spare. I have accordingly remained here and have sought every opportunity of putting myself in communication with all those who were interested in Texan Affairs. I have seen Mr Bourgeois D'Orvanne, Mr Saligny and Mr Castro. I have been prompt in answering the enquiries of all these Gentlemen on the subject of Texan Affairs, and I have endeavoured to assure them that under the present administration, despite of the cavillings of some of the public journals, the march of the country is onward. I have not been idle in feeling my way as to the formation of the treaty with Belgium and the Hanse towns with which I am charged, and I have endeavoured to fortify my position with such acquaintances and friends as will be able and willing to assist me in the great work of my mission. I shall remain here awaiting the Hon Ashbell Smith until the first of the next month. after full communication with him I shall hasten in pursuance of my instructions to the Hague.

My former position as Secretary of the Treasury has induced some of the friends of the Republic of Texas to broach the subject of a loan of a million of dollars. I have replied to them very frankly that there exists no legislative sanction at present for the negotiation of a Loan in *Europe* and in fact that the country is not in the *market* as a *borrower*. But that if they choose to take the inniative and will lay before me the terms on which they would lend a million or more I would after *being fully satisfied* of the ability and good faith of those who make the propositions communicate them to my Government. Perhaps my next despatch will contain something more definite on this subject. The affairs of Ireland and Spain are those which at present most occupy the attention of the political Coteries.

I acknowledge with great pleasure the civilities both private and official on the part of Mr Ledyard the American Chargé D Affaires and the attentions of Mr Bourgeois D'Orvanne who is well known to the present head of the Department.

With sentiments of the highest respect I have the Honour to remain  
Yr Most Obedt Svt

Wm HENRY DAINGERFIELD etc. etc.

CRAMAYEL TO JONES.<sup>a</sup>*Particulière*

CHER MONSIEUR,

GALVESTON 20 Juillet 1843

J'ai reçu la lettre que vous m'avez fait l'honneur de m'écrire, en date du 9 de ce mois, et j'allais y répondre en vous adressant mes remerciements pour la bonté que vous aviez eue de tenir si exactement votre promesse, lorsque j'ai reçu du Président lui-même l'avis de son prochain départ pour le conseil des Indiens. Dans ma réponse je lui explique les raisons qui m'empêchent de me rendre à son invitation et qui me font renoncer au projet de ce voyage; je crois donc superflu de vous les répéter. Le Capne. Elliot restera également à Galveston, craignant aussi la longueur et les fatigues de la route par une saison aussi chaude.

Dans ma lettre au Président, je lui dis un mot de l'impression qui a été produite en France par sa proclamation du mois de décembre dernier qui supprimait la franchise dont jouissaient jusqu'alors nos vins. J'ai effectivement reçu à cet égard des informations officielles qui ne me permettent pas de douter de l'effet produit par cette mesure. Ainsi que je vous l'avais fait pressentir, Monsieur, ce n'est point l'effet matériel de cette mesure, si peu intéressante au fond pour le commerce Français, qui a été principalement senti mais le peu d'à propos et de convenance qu'elle avait dans ce moment. Maintenant que je connais plus particulièrement le Général et que je suis plus à même d'apprécier le fond de ses intentions, je serai disposé pour ma part à atténuer autant que possible un effet si fâcheux et j'attends avec impatience que vous me donniez occasion de le faire en m'appuyant sur quelque fait nouveau d'un caractère opposé.

J'ai du reste l'assurance que mon gouvernement continue à porter l'intérêt le plus vif à la cause Texienne et à l'appuyer de son influence près du cabinet Mexicain.

Recevez, Monsieur, la nouvelle assurance de ma considération la plus distinguée.

Vte. J. DE CRAMAYEL

à l'habl. M. ANSON JONES, etc., etc., etc.

DAINGERFIELD TO SECRETARY OF STATE [JONES].<sup>b</sup>

PARIS July 31st 1843

To the Hon SECRETARY OF STATE—

SIR

The arrival of the Hon A Smith delayed from day to day during the last month by affairs of importance at the Court of St James, took place on the 24th instant. Immediately thereon steps were taken

<sup>a</sup> A. L. S.<sup>b</sup> A. L. S. See note <sup>c</sup>, p. 1456.

by that Gentleman to procure me an introduction to the Secretary of Foreign Affairs and a presentation to the King of the French. Both have taken place, the presentation to the King at the Chateau of Neuilly to day. The reception of his Majesty was most kind most cordial and most *congratulatory*. His last words were those of warm felicitation on the bright prospect which opened upon Texas by reason of the amnesty which he sincerely hoped would ripen into a sound and lasting peace between ourselves and the Mexicans, whom he said he was glad to find had learned the lesson of wisdom that the resources of a nation could be much better employed in the amelioration of their own condition than in the prosecution of a useless and savage war. In fine the manner and conversation of his Majesty betokened the most lively interest in our welfare. Having communicated to the Hon A Smith all the information as to the State of affairs at home which I possessed and having been duly presented, a matter which I deemed would be of some importance in my future negotiations with Belgium owing to the close alliance between the sovereigns of the two countrys I shall immediately in obedience to my instructions take my departure for the Hague.

The Hon Mr Smith, has mentioned to me a matter with reference to the division of the diplomatic duties in Europe, which meets my entire concurrence. It is to put all the continental affairs under one charge and the affairs of Great Britain under another. He has told me that he will make it the subject of a communication by the present mail to the Secretary of State. I am of opinion that the interests of the country would be greatly subserved by a division so natural and so just and as the Hon Mr. Smith seems strongly inclined towards England, I would have no objection to taking the continent and making Paris my headquarters. I allude to this matter now in order to express to the Hon Secretary of State my entire concurrence not only in the opinion of the Hon Mr Smith as to the propriety of the division but also in his desire to take the duties on the continent as my share of the labour leaving to him those occurring in England with which Country he has already had such diplomatic intercourse as I am sure must have raised him to a high mark in the estimation of his talents and skill by those with whom he corresponded.

I have informed the Hon Mr. Smith that I would leave this subject entirely to his care in laying it before the Hon Secretary of State and that I would do nothing more than submit to the Hon Secretary of State my cordial concurrence in the division of the duties and their allotment to individuals after the manner above mentioned.

I take this opportunity of expressing to the Hon Secretary of State the high respect and consideration with which I have the honour to be  
his Most Obdt Svt

W M HENRY DAINGERFIELD  
*Chargé D'Affaires etc. etc. etc.*

SMITH TO JONES.<sup>a</sup>

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LEGATION OF TEXAS, PARIS

August 15. 1843

Hon. ANSON JONES,  
Secretary of State,  
SIR,

I have the honor to acknowledge the receipt, at the same moment a few days since, of despatches from your department of the 10th and 15th<sup>b</sup> June; those of the latter date covering copies of documents relative to the armistice.

Some days previous to the receipt of these despatches, I saw the Proclamation of His Excellency the President in an American Newspaper brought by the Boston Steamer. I sent a copy of it to Monsieur Guizot. In acknowledging its receipt he expressed the high satisfaction which the intelligence of the armistice had caused the King's Government.

The news of this armistice has noticeably produced a very favorable effect upon the public estimate of Texas in Europe; and if permanent peace result, a *greatly augmented* immigration and the extension of commercial operations with our country must speedily follow.

My attention has been given to the despatch of the 10th June. There is however at the present time a sort of official vacation; the King, Monsieur Guizot and the other ministers being absent from Paris. I have therefore concluded it best not to transmit my communication on this subject forthwith to the Foreign officer, during M. Guizot's absence; inasmuch as it would probably fall into the hands of the person charged with business *ad interim*, and thus might not come under Mr Guizot's personal notice at all. I shall therefore wait a few days for his return. A copy of my communication heretofore to the Earl of Aberdeen will be transmitted to your department by next mail.

Further inquiry and observations confirm me in the favorable opinion expressed of Mr Pierre Brunet as a suitable person for Consul General at Paris.

Monsieur de Saligny informed me last evening that it is probable he will leave Europe to resume his post in Texas, by the steamer from Liverpool the 19th Oct or 4th Novr. next.

I revert again to the subject of your despatch of June 10th, for the purpose of assuring your department, that I shall learn the disposition of the two Courts to which I am accredited, relative to the affairs of Texas and Mexico, at as early a period and in as full a manner as possible, and that I shall lose no time in communicating

<sup>a</sup>A. L. S.

<sup>b</sup>In Correspondence with Great Britain.

them to you. I think I am fully justified in stating now that the dispositions of both Courts are quite favorable to the establishment of permanent peace, but that in the event of the present negotiations with Mexico failing to obtain peace, we are not authorized nor allowed to expect that the Governments of France and Great Britain will take any further steps under present circumstances in relation to this subject; unless Great Britain in pursuance of our favorite policy of abolishing slavery in America should again resume a "mediation" based on the abolition of slavery in Texas.

I have the honor to remain  
Most respectfully  
Your very obed: servt.

ASHBEL SMITH.

SMITH TO GUIZOT.

(Copy \*)

Ashbel Smith to Monsieur Guizot.

LEGATION OF TEXAS

August 23, 1843

SIR,

I have received despatches from my Government dated June 10th, written in view of a continuance of hostilities between Texas and Mexico. By the same mail which brought these despatches, I received others of a later date informing me of the suspension of hostilities.

Since the armistice opens a way to the establishment of peace it might seem less necessary to make to foreign Governments the representations contained in my despatches of June 10th: I have however deemed it proper to communicate to Your Excellency the accompanying letter addressed to me by the Hon. Secretary of State of Texas previously to the receipt of pacific overtures from General Santa Anna; in order that His Majesty's Government may be acquainted with the course Texas will be compelled to pursue in case the pending negotiations for peace with Mexico should prove unsuccessful.

I trust that in communicating to Your Excellency this letter of the Secretary of State, it will not be deemed as a menace made by Texas against Mexico nor as evincing any indisposition on the part of Texas to enter into a firm and cordial peace and oblivion of all past misunderstanding with that country.

In connection with that portion of the accompanying letter where the Hon Secretary of State alludes to the prosecution of hostilities,

\* Inclosed with Smith to Jones, September 20, 1843. See Correspondence with Great Britain.

and in order to obviate any misapprehension that may exist in regard to the ability of Texas to carry on a war efficiently; I may be permitted to state what is I believe already known to Your Excellency, that should Texas be forced to resort to retaliatory measures, it could by a simple invitation procure from a neighboring country an unlimited number of volunteers and such other aid as would enable it to *invade* and desolate the territory of its former enemy. I beg your Excellency will not misunderstand the purpose of these remarks. I wish merely to intimate that while pursuing a conciliatory course towards Mexico, Texas has been aware of the means at its disposition, and that notwithstanding any seeming financial difficulties it has possessed not only for purposes of defence but also of aggression, resources to which happily there is now a prospect it will not be obliged to have recourse. Texas desires to vie with Mexico only in offices of friendly intercourse.

I avail myself of this opportunity to renew the assurances of the distinguished consideration with which I have the honor to be

Your Excellency's  
most obedient servant

signed                    ASHBEL SMITH.

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SMITH TO JONES.<sup>a</sup>

46

LEGATION OF TEXAS, PARIS, September 19, 1843

Hon ANSON JONES,

Secretary of State,

SIR,

The affairs of Texas have attracted a much greater and still increasing notice since the intelligence of the armistice with Mexico; and especially as subsequent arrivals have appeared to confirm strongly the probability that the armistice will result in permanent peace. Our affairs now form a prominent topic of the public journals, and there exists manifestly a higher appreciation of our national character. The policy pursued by the President towards Mexico is highly approved, and its success hitherto is very satisfactory not only to the two Governments to which I am accredited but also to nearly all the leading men of the two countries whose observation has been directed to Texas. For the decided policy of nearly all the statesmen of France and Great Britain as you are well aware is for peace. It inspires them with confidence in the capacity of the Texans for self government and in the future prosperity of our country, to perceive that our Government estimate correctly the use and abuse of war and that we expect to become a great people not by aggressions on others but by industry and the arts of peace—the only means that

can succeed in this age of the world. In a conversation I had the honor to hold with the King of the French, Louis Philippe commended highly the pacific policy of our Government and congratulated the country with much apparent sincerity on its success. The news of some recent successes of our soldiers in the neighborhood of Santa Fe, as it reached here after the armistice, was on that account to be regretted, as it seemed like a renewal of hostilities on our part. It had however the good effect, after dates were properly explained, to show that the arms of Texas directed by its Government were successful.

I trust the preceding remarks will not be deemed misplaced, as I wish to acquaint your Department with public opinion here and to intimate that a *peaceful* as well as a stable government is the *only* means to attract a valuable European emigration to our shores. Other matters such as slavery are very secondary considerations.

My letters from England inform me that emigration to Texas has received a new impulse since the armistice. The Hon Joseph Hume, M. P. who has always manifested much interest in our affairs, who procured the parliamentary documents for our Library, and who kindly proffered to present any subject connected with Texas to the consideration of Parliament wishes a Texian Newspaper to be sent him so as to be kept informed of our affairs. May I ask an extra number for Mr Hume to be placed in the envelope to me; as only those newspapers whose envelopes bear the indorsement of the Secy of State are forwarded through the Post office of the United States so as to reach Europe.

The Mexican Bonds held in London which on the news of armistice between Mexico and Yucatan and Texas, rose from 28 to 38, have again declined to 33. in consequence of alleged fraudulent conduct on the part of the Mexican Agents Messrs Lizardi acting under instructions from the Mexican Government. I do not deem the misfortune or misconduct of Mexico a proper subject of felicitation, but you will perceive the importance of the above fact in its tendency to correct public sentiment in England which hitherto has leaned in favor of Mexico and against Texas.

The recent revolution in Spain whereby Espartero has been deprived of the Regency, has rendered it unadvisable to make any overtures to that country to negotiate a treaty with Texas. So soon as Government shall be fully recognized there, I shall endeavor to accomplish my instructions on this subject. The influence of France now preponderates decidedly in Spain over that of England. Perhaps therefore it would be better for me to remain at Paris in view of this matter, than to go to London in the event of dividing the two representations; besides London appears to me more properly associated with Holland and the northern courts.

Mr Castro is raising in Germany a large number of emigrants for Texas to embark next month at Antwerp. I strongly urge on him the necessity of adequately providing for them on their arrival in Texas, which he appears determined to do.

Mr Bourgeois is still endeavoring to negotiate the Loan and he thinks with the probability of success since the armistice. I am not more sanguine than formerly until peace shall be definitively established. We may then, I think, get a loan on favorable terms.

Some Poles of respectability have called on me about emigrating to Texas. They say they can muster several hundred families. I told them that arriving in Texas in a number of not less than 100 families, the Government would very probably grant them lands, but no other aid, and I enjoined on them the importance of carrying out means for their subsistence for a twelvemonth. They appear disposed to go.

I shall send by the sailing packet from Havre of the 24th Instant copies of several notes most of which were addressed by me to Lord Aberdeen or Monsieur Guizot. Many of them possess no importance, but I have deemed it proper to send your Department a copy of every communication made by me to the Departments for Foreign Affairs of the two Courts, however unimportant the communication may be. Among these communications are my notes to Ld Aberdeen and Monsieur Guizot placing under their eyes your letter to me of June 10th, as instructed, concerning the contingent waging of hostilities by Texas against Mexico. From Mr Guizot I have received a very courteous acknowledgment. Lord Aberdeen's answer has not yet been received. I also send copies of a short note etc., from Baron de Cetto to which I beg your attention.

I have the honor to be

very respectfully

Your most obedient servant

ASHBEL SMITH.

CASTELL TO BOURGEOIS.<sup>a</sup>

CRAMAYEL TO JONES.<sup>b</sup>

Légation de France  
au Texas

GALVESTON, le 30 septembre 1843

Monsieur le SECRÉTAIRE D'ETAT,

Vous aurez peut-être eu connaissance par les correspondances de la Nouvelle-Orléans, de l'arrivée à Pensacola de la frégate à vapeur Française le *Gomer*, chargée d'une mission spéciale du Gouverne-

<sup>a</sup> September 26, 1843. See Bourgeois to Smith, October 2, 1843, inclosed in Smith to Jones, October 14, 1843.

<sup>b</sup> A. L. S.

ment français. Cette mission avait pour objet de recueillir toutes les informations et de faire tous les préparatifs nécessaires pour l'établissement d'un service de bateaux à vapeur que le Gouvernement français se propose d'établir incessamment pour le transport direct de correspondances et des voyageurs entre la France et les deux continents de l'Amérique.

Le Texas se trouve sur l'itinéraire qu'une des lignes de ce service doit parcourir, le *Gomer* avait ordre de se rendre à Galveston et les membres de la commission qu'il avait à bord devaient s'entendre avec le Gouvernement Texien sur les arrangements à faire pour régler les rapports de nos paquebots avec le Texas, dans le cas où ils en feraient un point de correspondance régulier. Des circonstances accidentielles ayant empêché ce navire de venir jusqu'à Galveston je viens de recevoir l'ordre d'adresser directement au Ministre Texien les diverses demandes que la commission du *Gomer* devait lui présenter et je m'empresse, Monsieur le Secrétaire d'Etat, de vous en donner communication. Je suis persuadé d'avance que tout ce qui doit tendre à augmenter les rapports directs du Texas avec l'ancien continent et à faciliter ses communications avec tous les pays situés tant dans le Golfe du Mexique que dans le mer des Antilles ou au-delà, ne peut qu'entrer complètement dans les intérêts du Texas comme dans les vues libérales et éclairées de l'administration qui le régit en ce moment et que la France y trouvera tout l'appui que méritent les intentions libérales et désintéressées qui l'animent elle-même en songeant à un pareil établissement.

Le service proposé devant être exécuté par des navires à vapeur appartenant à la Marine Royale de France, le Gouvernement du Roi désirerait que ces mêmes navires fussent reçus dans tous les Ports Texiens ou rades où ils aborderaient, soit régulièrement soit accidentellement comme tous les autres bâtimens de l'Etat et y jouissent des mêmes honneurs, droits, priviléges et exemptions.

Les charbons destinés à la consommation des dits navires seraient admis en toute franchise de droit et pourraient être librement entreposés, soit dans un local qui serait fourni par la République soit dans un local particulier loué pour le compte du Gouvernement Français et dont la Douane pourrait vérifier le contenu, soit à bord de navires servant de magasins.

Dans le cas où les magasins ou arsenaux de la Marine de la République en auraient la possibilité, ils fourniraient aux paquebots français et au même prix qu'aux navires de la Marine Texienne, les objets de rechange ou matériaux nécessaires pour leur réparation.

Les paquebots français pourraient embarquer et débarquer librement dans les ports de la République les passagers ainsi que leurs bagages, en accomplissant les formalités voulues dans le pays.

Les voyageurs une fois admis à bord ou ceux qui étant à bord ne voudraient point débarquer ne pourraient en aucun cas être distraits

du bord et même ces derniers ne pourraient être tenus à faire viser leurs passeports.

Les paquebots seraient autorisés à transporter les matières d'or et d'argent et autres objets précieux dont le transport est ordinairement confié aux navires de guerre.

Ils pourraient également transporter toute espèce de marchandises. Dans ce dernier cas, un agent désigné à cet effet par le Gouvernement Français, fournirait à la Douane Texienne une note des marchandises à débarquer qui tiendrait lieu de manifeste et il indiquerait le nom des consignataires qui devront en payer les droits.

Les formalités relatives aux marchandises à embarquer seraient remplies par les expéditeurs et les marchandises ne seraient reçues à bord que sur la preuve que ces formalités ont été remplies.

Il serait d'ailleurs payé à la Douane un droit de tonnage calculé sur la quantité des marchandises débarquées ou embarquées.

Toutes les contestations auxquelles pourrait donner lieu le transport des marchandises seraient réglées par deux arbitres choisis l'un par le réclamant, l'autre par l'un des agens du Roi désigné à cet effet. Ces arbitres auraient la faculté, en cas de partage, de nommer un surarbitre.

Les paquebots transporteront les correspondances de France ou des pays qui empruntent son intermédiaire ou des ports de relâche pour le Texas et réciproquement. Les correspondances officielles seraient remises directement entre les mains des Agents du Roi et reçues directement d'eux; celles concernant les particuliers seraient remises aux employés des Postes du Texas et portées par eux à bord. La remise des lettres, ainsi que des journaux et autres articles de correspondance devant fournir matière à divers arrangements particuliers, tels que ceux qui regardent les prix de port, les affranchissements etc etc; je n'entrerai point à ce sujet dans de plus amples développemens. Je me bornerai pour le moment, Monsieur le Secrétaire d'Etat, à vous prier de vouloir bien porter votre attention sur les points principaux que je viens de vous exposer et de me faire connaître quelles seraient les dispositions du Gouvernement Texien à leur égard, dans le cas où les projets de communications à établir ainsi entre la France et le Texas viendraient plus tard à être mis à exécution. Dans ce dernier cas, les arrangements à intervenir pourraient, être faits soit simplement à l'aide de l'échange de quelques notes officielles soit par une convention spéciale.

Recevez, Monsieur le Secrétaire d'Etat, la nouvelle assurance de ma considération la plus distinguée.

Vte. J. DE CRAMAYEL

A l'Honorable Monsieur ANSON JONES, Secrétaire d'Etat

etc etc etc

BOURGEOIS TO SMITH.<sup>a</sup>

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SMITH TO BOURGEOIS.<sup>a</sup>

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HOUSTON TO JONES.<sup>b</sup>

EXECUTIVE DEPARTMENT,

*Washington, [Texas] October 6th., 1843.*

To the Honorable ANSON JONES,

*Secretary of State, etc.*

SIR—The government of His Majesty the King of the French, having proposed the establishment of a line of Royal steam packets for the transportation of correspondence and passengers between Texas and France, you will proceed to Galveston immediately, for the purpose of making a conventional arrangement with the Viscount J. de Cramayel, Chargé d' Affaires of His Majesty, in reference to the proposed object; and also for the further purpose of having interviews with the English and American Ministers now at that place.

I have the honor to be your obt. servt.,

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SMITH TO JONES.<sup>c</sup>

LEGATION OF TEXAS, PARIS

*October 14, 1843*

Hon ANSON JONES

*Secretary of State*

SIR,

I have the honor to send herewith copies of a communication of Monsieur Bourgeois on the subject of the Million Loan and of my answer thereto.

The news of the armistice with Mexico having had a very favorable influence on public opinion in Europe in relation to Texas and especially in Germany as connected with emigration, Mr Bourgeois proceeded to that country for the purpose of making arrangements to execute the terms of his 'concession.' While there, he agreed on a preliminary basis for the negotiation of the million Loan with Mr Charles de Castell acting in behalf of an "association." Mons Bourgeois has submitted to me a copy of the letter of the association making propositions relative to the Loan. Copies of Mr Bourgeois' communication covering the letter in question and of my answer thereto are the documents herewith transmitted.

<sup>a</sup> October 2, 1843. See Smith to Jones, October 14, 1843.

<sup>b</sup> See Records of Department of State (Texas), Book 40, p. 261.

<sup>c</sup> A. L. S.

I have had a long conference with Mons Bourgeois on this subject and have explained to him the necessity of some modifications, first in regard to the amount and perhaps form of the *second* condition proposed, and especially in regard to the manner of payment as proposed in the *third* condition.

The remission of duties on Two hundred thousand dollars worth of merchandize (\$200,000.) say at 15 per cent ad valorem, would be tantamount to a *bonus* of thirty thousand dollars (\$30 000) per annum, which I represented to Mr B. as excessive.

I also stated that the Treasury Department must have the sole and exclusive control of the customs and that the direct intervention of a third party as proposed in the 3d condition was, in my opinion, wholly inadmissible. I intimated that the object desired might be accomplished in the customary way by an order emanating from the Treasury Department.

Monsieur Bourgeois thought the requisite modifications would be readily made by the "association" and was quite sanguine of success. I also informed him that the negotiation could be completed only by a fully empowered agent in Texas; and I impressed on him the uselessness of an Agent proceeding to Texas unless he should be authorised to draw for the Loan or a portion thereof immediately on the conclusion of the negotiation.

With the above explanations I have ventured to advise the sending of an Agent to Texas, which Mr Bourgeois says will be done.

I have not deemed it necessary to recapitulate in this despatch all the details of this subject, as they are sufficiently explained in the accompanying documents and in Mr Bourgeois' letter to your Department.

If the armistice result in the establishment of a solid peace, Texas will be able to obtain a Loan on favorable terms. Until that takes place I shall not be sanguine of the success of any negotiation.

I have the honor to be

most respectfully

Your very obedient servant

ASHBEL SMITH.

PARIS, le 2. 8bre. 1843

CHER MONSIEUR

Pendant mon séjour en Allemagne, je me suis occupé sérieusement des intérêts du Texas. Je suis parvenu à entamer une négociation utile à l'égard de l'emprunt d'un million de dollars: en même temps j'ai déterminé une grande émigration vers votre fertile patrie.

Quelques additions au contrat d'emprunt m'ont été demandées; par suite de nos conférences à ce sujet, j'ai cru pouvoir y accéder au nom de la république, sauf ratification. Je m'empresse de vous

transmettre copie de la lettre que l'association m'a adressée; veuillez, je vous prie, en prendre communication et me mettre à même de justifier que je suis resté dans les limites des instructions du gouvernement.

Recevez, cher Monsieur, l'assurance de ma haute considération avec mes sentimens bien affectueux

AL. BOURGEOIS D'ORVANNE

Monsieur ASHBEL SMITH, chargé d'affaires du Texas en France.

Copie de la lettre de l'association.

MAYENCE le 26 7bre, 1843.

MONSIEUR

Vous nous avez présenté un contrat d'Emprunt de un million de dollars, conclu entre vous et le gouvernement du Texas que l'association pour la protection des Emigrans Allemands au Texas a mûrement examiné.

Si cette association réalise sa pensée de porter une population Allemande au Texas dans les termes dont nous sommes convenus, elle sera disposée à faire cet emprunt, dans le double but de seconder les vues du gouvernement du Texas, en lui rendant service dans un objet aussi important, et dans l'intérêt même de notre entreprise et des colons allemands.

C'est pour cela qu'aux conditions arrêtées dans votre contrat elle ajouterait encore les suivantes comme absolues:

1. Une concession pour 6000 familles Allemandes, dans une situation favorable au commerce, à la salubrité et à la fertilité.

2. La franchise de tout droit d'importation pour la valeur de \$200000 par année, et pour dix ans.

3. Le consul général ou agent diplomatique à nommer aura le pouvoir de toucher directement des mains du collecteur de Galveston les sommes nécessaires pour le paiement des intérêts de l'emprunt avant toute autre dépense, et ce collecteur sera responsable de l'exécution de cette condition.

Veuillez nous mettre à même de juger si vos pouvoirs vous permettront d'accéder à ces engagemens: et dans ce cas nous pensons pouvoir arriver à une conclusion finale, aussitôt que les démarches que nous faisons dans ce moment, près des gouvernemens de l'Allemagne pour avoir leur concours, auront eu le succès que nous espérons.

Recevez, Monsieur, l'assurance de ma parfaite considération

Pour l'association pour la protection des

Emigrans Allemande au Texas

Signé            Le Comte CHARLES DE CASTELL.

Monsieur BOURGEOIS D'ORVANNE

*en ville*

(Copy)

Ashbel Smith to Monsieur Bourgeois.

PARIS, LEGATION OF TEXAS

October 3, 1843.

SIR,

I have the honor to acknowledge the receipt of your communication of yesterday covering a copy of a letter addressed to yourself on the subject of a Loan, etc., by the German Association.

The propositions made by the association are compatible with the general tenor of the information and instructions I have from my Government on this subject. They may however require some modifications in order to conform to the laws and constitution of Texas.

An additional grant or "concession" for settling 6000 families *might*, in my opinion, be obtained in connection with the proposed Loan, and with *due* security for fulfilling the terms of the grant.

I believe the principle of admitting a limited amount of goods free of duty or at less duties than are paid by others would be entertained by my Government; the amount and terms being subjects of arrangement with the parties.

The right also of the association to receive from the customs of Texas, on the authority of the Secretary of the Treasury, the sums necessary for the payment of the interest on the Loan as the same shall accrue may be admitted—it being done conformably to the laws of the country.

You have then it appears to me kept within the views and instructions of the Government in admitting as a basis of arrangements the propositions made to you by the "association"; and I would say that an agent fully empowered on the part of the association to *conclude* the business would find the Government of Texas prepared to make stipulations conformable to the general tenor of the terms stated in the letter of the association addressed to you.

I think it proper however to observe that in my opinion it would not be worth while for an agent to proceed to Texas for this purpose unless fully empowered to conclude definitively the terms of a Loan, and on its due ratification by the Government of Texas, authorised to draw for a portion of the amount thereof

I have the honor to be with the highest respect

Your most obed. servant

ASHBEL SMITH

Monsieur BOURGEOIS.

etc. etc.

JONES TO CRAMAYEL.

DEPARTMENT OF STATE

Galveston Oct. 20th 1843

SIR,

I have the honor to acknowledge the receipt of your note of the 30th Septr. Ultō in relation to a line of Steam Packets which the French Government proposes to establish for the transportation, direct, of correspondence and passengers between France and the Continent of America, the arrangements to be made for the regulation of the intercourse of the packetships with Texas, and requesting to know what may be the disposition of this Government in regard to them in the event of this project of establishing a communication between the two countries should be put in execution

I have lost no time in asking the attention of his Excellency the President to this interesting subject, and am instructed by him to assure you of his earnest desire to promote this intercourse and the commercial relations between France and Texas by every possible means. In the proposal to establish a line of Royal Steam Packets, he recognizes another proof of the liberal and enlarged policy of the government of His Majesty the King of the French and of the very friendly dispositions manifested thereby by His Majesty towards Texas. I have also considered the terms and conditions of the arrangements you have proposed for the regulation of the packet Ships, to which I now believe there can be no serious objections; and whenever the Government of the King may determine upon putting these arrangements into execution, this government will at once enter into a special convention with you in relation to the same

I embrace this present occasion to renew the assurances of the distinguished consideration and regard with which I have the honor to remain

Your Obedient  
and faithful Servant

Signed

ANSON JONES

To

His Excellency  
M le Vte de CRAMAYEL  
*Charge d' Affaires of France*  
etc. etc. etc.

CASTRO TO JONES.<sup>a</sup>


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<sup>a</sup> October 25, 1843. See Daingerfield to Jones, November 12, 1843, in Correspondence with the Netherlands.

SMITH TO JONES.<sup>a</sup>

49

LEGATION OF TEXAS, PARIS  
Rue Castiglione no 20, Oct 30, 1843.

Hon. ANSON JONES,  
*Secretary of State,*  
SIR,

I have the honor to acknowledge the receipt of despatches from your Department of the 20th August consisting of copies of documents relating to the armistice with Mexico. A letter from Mr Samuel Maas who has just reached England, informs me that he has letters etc., for me from the Government of Texas. I hope to receive them in a few days.

You have doubtless received through the newspapers, accounts of the late revolution in Spain which deprived Gen Espartero of the Regency, and of the generally unsettled state of affairs in that country. I have had some conversations with Mr Washington Irving the American Minister at Madrid who is now in Paris. He is of opinion that the present is not an auspicious moment for attempting to open negotiations for a treaty between Texas and Spain; that it is advisable to wait for a more settled condition of the Spanish Government. The Cheyalier Hernandez, the Spanish Chargé d'Affaires at this Court, stated to me that all parties in Spain are determined to maintain slavery in Cuba as it now exists in that Island. In view of this matter and for commercial objects, by reason of the proximity of Cuba to Texas, Spain will probably be disposed to establish friendly relations with our country, and in my opinion a treaty may be negotiated so soon as their affairs shall have assumed some stability.

As connected with the subject of slavery, I will state that I have just received a note from Mr Everett the American Minister at London asking for information relative to any efforts which may be making in England to procure the abolition of slavery in Texas.<sup>b</sup> It is for the purpose of communicating the same to the Government of the U States; whose attention it would hence appear has been directed to this subject.

Mr de Saligny who was empowered on the part of France to conduct the negotiations for a commercial treaty with Texas has been most of the time for some months past absent from Paris in the country. The fact is that the French commercial system is so compli-

<sup>a</sup> A. L. S.

<sup>b</sup> See Everett to Smith, October 24, in Smith to Jones, November 29, in Correspondence with the United States.

cated that it can scarcely be touched without either damaging the public revenues or interfering with some established industry.

Mr Bourgeois's Loan remains as at the date of my last despatches. Monsieur Brunet, our Consul General, himself a banker, observed to me last night, that peace being settled a Loan could be readily concluded on advantageous terms; but that he should scarcely think it advisable to accept a Loan on such terms as could in the mean time be obtained. You are aware that since my arrival in Europe I have not been sanguine of the practicability of a Loan on favorable terms: and I suspect that the negotiations now in progress for taking that of Mons. Bourgeois will be found to be contingent on a definitive peace.

Since the armistice Texas has attracted much larger and more favorable notice especially as connected with emigration.

Mr Castro dispatched on the 26th Instant from Antwerp a ship carrying out colonists for his "concession." He has also chartered two other vessels for the same purpose, to sail from the same port on the 15th and 30th respectively of the coming month. I continue to impress on him the liability of entire failure in his enterprise unless he shall make adequate preparation for the comfortable reception etc. of his colonists on their arrival. In other respects his activity and energy appear deserving of commendation, and I am informed his colonists are persons of good character.

The English Concession situated on Red River will, I fear, prove a failure. The parties are persons of respectability and possessed of adequate means; but some misunderstanding has arisen between them as well as some dissatisfaction with their agent which threaten to arrest their enterprise.

Since the armistice Mr William Pringle and others have undertaken to execute the terms of Mr Kennedy's "concession"; and should the concession in question be prolonged or renewed I feel great confidence they will do so faithfully and efficiently.

Mr Thomas Snowe of Dublin and Mr William Henry Brockett at Newcastle have been recommended by Mr Rate of London for the appointment of Consuls of Texas at those ports respectively. From the highly respectable testimonials in their favor, I cheerfully add my recommendation to that of Mr Rate. It does not seem improper here to state that Mr Rate himself in his capacity of Consul General at London is a very efficient and watchful officer of the interests of Texas as well as a man of very high respectability.

I have the honor to be with great respect,

Your most obedient servant

ASHBEE SMITH.

DAINGERFIELD TO SMITH.<sup>a</sup>

LEGATION OF TEXAS. AT THE  
Hague November 8th. 1843

Hon. A SMITH

*Chargé d'Affairs of,  
Texas at Paris.*

SIR

I should have written to you long ago but that I every day expected to have something to communicate which might at least be worth the pains of perusal if not the expence of Postage; Since my arrival here in fact since my landing on the Shores of Europe I have not had a line from the Secretary of State nor indeed from any one connected with the Government at home; True it is my instructions are of such a nature, so comprehensive in their character, and requiring such a length of time for their fullfillmt that, the Hon Secretary may be of opinion that for all *practical purposes* further communication with me is unnescssary; But the interesting position which our affairs with Mexico have assumed since my departure, the opening of negotiations with that Govt if the news-paper statements are correct, render me exceedingly anxious to have something like an official statement of the true position of our affairs not only for the purpose of satisfying my own very natural interest on the subject, but to the end that I may be enabled to answer with *reasonable certainty* the many enquiries which are made by the authorities of the country to which I am accredited. Since I despair of hearing from the Government of Texas will you do me the favour at yr earliest leisure and convenience to give me *all the news*.

I wrote to the Secretary of State on the 23rd. September, and since then I have been endeavouring to lay the foundation with the Belgian Minister at this Court Genl Prisse, to whom I had letters from the Belgian Minister at Washington. U S for an advance towards the negotiation of a treaty with his Government. The affair goes on well enough, but there are certain difficulties, which, a reasonable delay and, the abscence of any manifestation of undue anxiety on our part, will I think effectually remove. I found Texas, but little known here, on my arrival and in the minds of those to whom its history and position were not entirely unknown, there existed a prejudice against it arising from our supposed connexion with the U States, a country, disliked for its republicanism envied for its immense prosperity and hated for the defalcations on the part of the States, in the Stocks of which the Dutch had largely dealt; Whilst I allude to this unfounded prejudice, justice compells me to say that I cannot find terms too strong for the expression of the gratitude I

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 47-52.

feel towards, the able accomplished and most Popular representative of the Government of the U States at this court, Mr C Hughes for the kind and loyall manner in which I have been treated by him. Texas owes him, a debt of gratitude for the efficient part he has always taken in her behalf especially in her early negotiations in Europe, and I find him still expressing the utmost interest in her welfare and prosperity.

I to day received a letter from Mr Castro at Paris, and I put this under cover to him with my answer thereto. Sometime last month I received a letter from him at Anvers in which he stated, that he was about to send the Jean key from that Port to Galveston with a Cargo of emigrants. As this embarkation was about to take place from a port, (Antwerp,) within the limits of a country to which I was accredited, I deemed it *my duty* in answer to his notification to express in *strong terms* my hope that the emigrants in a state of *destitution* to Texas and I *protested* against their being *so* sent for the triple motive, that it would be injurious to the Country, to cast upon its shores a band of paupers, consumers, incapable of adding to the productions of its soil or the developement of its resources, whose inevitable sufferings would cause them to render disastrous accounts to their friends in Europe, and thereby check further emigration, that as these emigrants landed under circumstances of destitution could never reach their destination, they would not aid him in the performance of his contract of Colonisation, that humanity and justice towards the emigrants themselves forbade a course fraught with so much evil to them. I am sorry to say that Mr. Castro in his reply manifested a good deal of anger, and instead of taking my letter in the friendly way in which it was intended, he volunteered the absurd intimation that I was inimical to him and his enterprise; How this absurd notion could have entered his brains since I have at all times treated him with Courtesy I am at a loss to immagine unless, as I am inclined to suspect from the tone of his letter of to day it has its origin in a feeling of jealousy towards Mr Bourgeois d'Orvanne. By mere accident I met this last named Gent. at Mayence in September last. I had gone to that City for the purpose of obtaining precise information as to the "Society for the Protection of German Emigrants in Texas" of which I had heard much, and with the very laudable objects of which Mr Bourgeois d'Orvanne, has no doubt made you acquainted. Whilst in communication on this subject with the Counts of Castell, and Leiningen, members of the Society, I learnt from them that Mr Bourgeois was in treaty for the sale of his contract with the Texan Govt, to this association—which sale as he Mr B afterwards informed me by a letter from Paris he effected but at what price and on what terms I am as yet utterly ignorant. My movements in the affairs were

confined to giving the association correct and unbiased opinions as to the character of the soil climate and position of the country embraced in Mr B's contract and such information as I could correctly give with reference to the fact of its being or not being already located.

I found the Society to consist of Gent. who from their high position I suppose capable of carrying out, by money and influence any scheme of emigration however large, to which they may turn their efforts. I should have given you an account of all this before had I not thought that Mr Bourgeois would as a matter of course do so, and that you would be much better informed by conversations with him on the subject than you possibly could by a letter from me.

Will you favour me in yr next with the address of Mr Rate our Consul at London—would it not be well to forward my despatches to Texas through him—if so be pleased to mention the matter to him in your next communication.

I found on corresponding with Mr Herckennrath the Texan Consul at Amsterdam, that before my arrival he had recommended Mr Barnard as Dutch Consul at Galveston. An exequatur has at my request been extended to Mr I. I Crooswick as Texan Consul at Rotterdam. How comes on the Co. at London of which a Mr. Converse was the head and front. Write to me I pray you at yr earliest leisure, Send me all the journals that contain any thing of interest to Texas. I have caused a letter dated Galveston, and addressed to the "London Times" to be translated into Dutch and inserted in the "Amsterdam Courant." The accounts contained in this letter are quite flattering, and the cotton crop of the present year is estimated at ninety thousand bales. I remain yrs etc.

(Signed)                  Wm HENRY DANGERFIELD.

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HUGHES TO JONES.<sup>a</sup>

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SMITH TO JONES.<sup>b</sup>

No 51

LEGATION OF TEXAS, PARIS  
Dec 30, 1843

Hon ANSON JONES  
*Secretary of State*

SIR,

My last communication received from your Department was of the date of Aug 20th.<sup>c</sup>

<sup>a</sup> November 24, 1843. See Calendar.

<sup>b</sup> A. L. S.

<sup>c</sup> In Correspondence with Great Britain.

Considerable opposition has been and continues to be manifested by the French Government to the colonization enterprise of Mr Henri Castro, and I had lately some conversation on this subject with Monsieur Guizot, Minister for Foreign Affairs. This opposition proceeds from representations made by His French Majesty's Chargé d'Affaires in Texas, to his Govt. concerning the condition of the colonists after their arrival in Texas. He states, that their condition is pitiable, that a large number have died from the influence of the climate, that the survivors apply daily at the French Legation for the means for returning to France; etc. I stated to Mr. Guizot that as the alleged facts occurred in Texas, the Count de Cramayel had doubtless presented them to the Texian Government, who would not fail to take the necessary steps in the premises.

I called Mr Castro's attention carefully to this matter; he stated again to me that he has sent out with his recent expeditions competent agents, and has otherwise made adequate arrangements for the comfortable settlements of his colonists.

I have understood from sources which appear to be deserving of credit that Mr de Cramayel has represented the "grant" of Mr Castro as a sterile plain, not even in the possession of Texas; that the colonists are exposed to the attacks of Mexicans and Indians and to be pillaged by Texian Volunteers. This subject has not however come to my knowledge in such a way as to give room for explanations or to take any other course than that already stated.

Mr Castro recently despatched a vessel from Antwerp with emigrants and proposes to send others successively until the 1st April; at which time, he will himself as he informs me positively proceed to Texas.

As the matters complained of in relation to Mr Castro's enterprise have all transpired in Texas, I wait for information and instructions if deemed necessary, from the Government.<sup>a</sup>

Mr Bourgeois has made no progress with the Loan since my last despatches.

Notwithstanding the opposition to Mr Castro's colonization, I believe a very friendly feeling exists on the part of the French Govt. towards our country.

With great respect

Your most obed. servant

ASHBEL SMITH.

<sup>a</sup> The condition of Castro's colonists and the attractions of his colony are set forth at length by himself in a letter of December 6, 1843, to the prefects of the departments of the Haut Rhin and the Bas Rhin, and another of December 26, 1843, to Ashbel Smith. There are copies of these letters on file with the Diplomatic Correspondence which were probably inclosed by Castro to Jones; but the communication with which they came, if it has been found, has not been identified.

SMITH TO JONES.<sup>a</sup>

No 52.

LEGATION OF TEXAS, PARIS

January 29, 1844

Hon. ANSON JONES

*Secretary of State*

SIR,

I have the honor to acknowledge the receipt of despatches from your Department dated September 30th<sup>b</sup> with the accompanying documents.

Our relations with this court appear to me to be on an excellent footing; a very friendly disposition is exhibited on all occasions; and, our country is attracting much notice and the public estimation of it here is rapidly advancing.

In a conversation I had the honor to hold with the King on Wednesday last, his inquiries were numerous and showed he had given considerable attention to our affairs.

The annexation of Texas to the American Union, so much discussed in the American Newspapers is viewed in its true light by the French Government.

The colonization enterprise of Mr Henry Castro is as you are aware, not favorably regarded by the French Government. The objections to it are chiefly connected, I believe with Mr Castro; tho' I do not think this Government are disposed to favor any foreign emigration except to their own colonies.

Mr Bourgeois is at this time absent in Germany in relation to his colonization contract and to the Loan.

It has appeared to me for some time to be doubtful whether under present circumstances the contracts for colonizing from the continent of Europe would result in introducing a large and valuable emigration into our country. The English Red River Company appear to be coming to a better understanding among themselves and may now accomplish something.

I am not sanguine of the success of the Loan until peace shall be definitively established.

Agreeably to the intimation in your despatches I shall proceed in a short time to London; but much interest existing here in relation to Texas and the present season being one of great activity in Paris, the Chambers being now in session, I have thought it best to remain here a short time longer, especially as London will present but comparatively little political activity for a month or two to come.

The flagitious attempts made by the Abolitionists to deceive and mislead Her British Majesty's Government in relation to slavery in Texas, by misrepresenting the opinions and wishes of the Texian

<sup>a</sup> A. L. S.

<sup>b</sup> In Correspondence with Great Britain.

citizens and Government are now, I believe, well understood in Great Britain. I continue to watch the abolitionists carefully, as they are regardless of truth and reckless of the means they employ. I formerly transmitted to you two letters written by Mr Thomas Clarkson, Chairman of the Antislavery Society, one addressed to Gen Santa Anna, the other to General Houston. The impertinence and insincerity of these people will appear in their true light when it is remembered that the same parties furnished means to build the Mexican Steamers in part, in 1842, and otherwise to prosecute the war against Texas.

On my arrival in London every attention will be employed to cultivate the friendly feelings entertained by the British Government towards Texas.

The restrictions recently imposed by Mexico on foreign commerce have produced some unfriendly feelings in France and England towards that country; and there is a rumor seeming to have some foundation, that these two Powers are about to act in concert to compel Mexico to remove the restrictions in question.

The Chargé d'Affaires at the Hague when recently heard from had not accomplished any arrangement with the Hanse Towns or Belgium.

My careful attention has been given to the different matters embraced in your despatches

I have the honor to be

Very respectfully

Your most obed servant

Ashbel Smith.

SMITH TO JONES.<sup>a</sup>

SMITH TO DE LA ROSA.<sup>b</sup>

SMITH TO JONES.<sup>c</sup>

53

LEGATION OF TEXAS, PARIS

February 26, 1844

The Hon ANSON JONES

*Secretary of State*

SIR,

The affairs of Spain have been and continued to be in so unsettled a condition, that it has not appeared to me to be an auspicious moment for endeavoring to establish relations with that country

<sup>a</sup> January 29, 1844. See Calendar.

<sup>b</sup> February, 1844. See Smith to Jones, February 26, 1844.

<sup>c</sup> A. L. S.

agreeably to the instructions and powers transmitted to me for this purpose sometime since. In confirmation of this opinion I need only allude in the history of that country for the last twelve months, to the expulsion of Espartero, to the recent flight of the late prime Minister Senor Olozaga, and to the facts that several provinces are now in open insurrection, that Madrid is at this time declared under martial law, and that all journals not favorable to the present administration of the Government have been suppressed. In a few words, the internal affairs of Spain at this time so engross the cares of the persons now in authority that they cannot give their attention to the establishment of relations with a foreign Power. Mr Washington Irving American Minister at Madrid with whom I had a conversation on this subject a few months since when he was in Paris, expressed a very clear opinion that it would not be of any use to present this matter to Spain until something like tranquillity should be restored there. I have however adopted a different course from the belief that it would be more satisfactory to my Government. I have had accordingly an interview with Mr Martinez de la Rosa, Spanish Ambassador at Paris; he gave the subject a favorable consideration, and it has resulted in my addressing him a Note, a copy of which is herewith transmitted. In his reply acknowledging its receipt he has promised to submit it to his Government. If an affirmative answer shall not be received immediately, my communication will nevertheless serve to bring up the subject at some future period of greater tranquillity in Spain; which occasion I shall not fail to embrace when it shall occur.

Queen Christina mother of Queen Isabella left Paris a few days since on her return to Spain with the purpose of resuming in fact the direction of affairs in that country. She goes under the auspices of the French Court. An understanding and agreement relative to the affairs of Spain, it is believed exists between the French and English Governments; and I have reason to suppose that the opinion is well founded that the British Government will consent to the accomplishment of certain purposes of France in regard to the Spanish Monarchy and that the French Government will assent to the abolition of Slavery in the Island of Cuba, if indeed they do not cooperate hereafter with England in effecting it.

The most friendly dispositions, so far as I can judge exists on the part of the French Government towards Texas and a sincere desire that our negotiations with Mexico may result in definitive peace.

I regret to inform you that the contemplated French Trans-Atlantic Line of Steamers<sup>a</sup> has been abandoned for the present; on account, as I understand, of the anticipated expenses of keeping

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<sup>a</sup> See Cramayel to Jones, September 30, 1843.

it in operation; and the vessels intended for this line will be mostly employed in the Mediterranean Service.

I shall leave for England in a very short time. Mr Rate our Consul General at London informs me that Texas is steadily growing in repute in Great Britain.

His Excellency's Annual Message to the Congress<sup>a</sup> has been very favorably received in Europe; all parts of the message, and especially those portions relating to our debts and finances, and his suggestion to abolish all laws relating to Loans.

Monsieur Bourgeois is still absent in Germany engaged about the Loan and in endeavoring to carry into effect his contract for introducing emigrants into Texas. I have forwarded him the Message of His Excellency the President and such other information relative to these matters as I possess.

Mr Castro has brought an action for damages against the Editor of a provincial newspaper who has spoken unfavorably of his enterprise. He has taken great offence at me because I refused to write a letter conceived in terms which he dictated and which would have had the air of stamping officially as false some statements attributed, I know not on what authority, to His French Majesty's Chargé d' Affaires in Texas. I perceived too that such a letter might be used, though I cannot assert that such was the intention, in a manner not suitable to the honor and dignity of the Republic. Mr Castro is still intending to visit Texas in a few weeks.

Touching emigration to Texas generally, I have acted conformably to the letter addressed by your Department to Mr Rate on this subject.

I have the honor to be  
most respectfully  
Your very obedient servant

ASHBEL SMITH.

P. S. February 29.

Since writing the above, American Newspapers have arrived bringing intelligence of the passage of resolutions by the Texian Congress in favor of annexation to the American Union,—of the return of the Commissioners sent to Mexico—and of the very probable resumption of hostilities. I called immediately on Mr Guizot in reference to the last matter, the probable resumption of hostilities; he stated to me that his Government had received no despatches nor any information whatever on this subject. I shall write today to Mr Rate requesting him to call on His British Majesty's Under Secy of State Mr Addington, in order to bring the subject to the notice of that Government. In case the intelligence be confirmed, I shall press

<sup>a</sup> See *House Journal*, 8th Tex. Cong., 13-28.

on the very serious consideration of the French and English Governments the consequences of a resumption of hostilities between Texas and Mexico, in order that they may take some efficient steps for the establishment of peace. I think it proper however to state, that although these Governments much desire the establishment of peace they would not in my opinion take any decisive means to effect it.

The resolutions in favor of annexation produces rather an unfavorable impression relative to our country; they are regarded as an expression of our inability to take care of ourselves. The French and British Governments have united in a protest to the United States against the annexation of Texas to the Union.

ASHBEL SMITH.

P. S.

I send this to London by a private hand. I shall write by mail from Paris to His Excellency which will give me two days more.

A. S.

[Inclosed is the letter of Smith to la Rosa referred to. The day of the month is not given in the date of the letter which is simply February, 1844. It was apparently written some days before the 26th.]

JONES TO SMITH.

DEPARTMENT OF STATE  
Washington [Texas] March 26th 1844

Hon. ASHBEL SMITH

*Chargé d'Affaires of the Republic of Texas*  
*etc. etc. etc.*

SIR,

I have the honor to acknowledge the receipt of your several despatches to this Department to date of the 29th of Jan. Ulto all of which are satisfactory.

The attention of this government being at present principally occupied with the policy of annexation to the United States, there appears to be no particular additional instructions necessary to be given you at this moment further than to occupy yourself in keeping up a friendly intercourse with the governments to which you are accredited and keeping this Department regularly advised of any thing of importance which may occur.

The laws authorizing a public loan having been repealed<sup>b</sup> you will inform Mr. Bourgeois of the same, and that his contract for a Loan has expired by limitation and been annulled.

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<sup>a</sup> See Correspondence with Spain.

<sup>b</sup> See Gammel, *Laws of Texas*, II, 954.

The government has no knowledge of the proceedings of Mr. Castro further than it derives from his reports of persons introduced by him under his contract for Colonization, no complaint ever having been made by any of his colonists. The system of colonizing this country by emigrants under contracts of the character of Mr. Castro's has not been so successful as could have been desired, and the Laws authorizing the granting of such contracts has been repealed.<sup>a</sup> It is believed that nearly all the contracts with Europeans made by the President have already or will soon be forfeited by a non-compliance on the part of the contractors with the conditions contained in said contracts, within the specified time. Two however had been renewed, previous to the repeal of the law above referred to.

Enclosed herewith I send you a copy of a *proposed* Armistice etc.<sup>b</sup>

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Gen. J. Pinckney Henderson with Mr. Van Zandt are now engaged in negotiating a treaty for the annexation of Texas to the United States, Mr. Van Zandt will keep you advised of their progress in these negotiations.

I also send you enclosed herewith the Commissions of Thomas Snowe Esq. as Consul for Dublin and of William Henry Crockett Esq. as Vice Consul for New Castle upon Tyne of which you will make the usual disposition.

I have the honor to be

With the highest respect  
your most obt Svt

Signed

ANSON JONES

SMITH TO JONES.<sup>c</sup>

No [54]

LEGATION OF TEXAS, PARIS

May 6, 1844

The Hon ANSON JONES,  
*Secretary of State,*

SIR,

We have had no recent arrivals from America. I have received no despatches from your Dep. since the meeting of the last Congress. My latest Texian Newspapers are of the 16th March. Since the steps which have been taken in Texas relative to annexation, it has appeared to me desirable that I should at my first interview with the Earl of Aberdeen after reaching London, be possessed of the

<sup>a</sup> January 30, 1844. See Gammel, *Laws of Texas*, II, 958-959.

<sup>b</sup> Here follow instructions to the copyist to insert a paragraph from Jones's letter to Van Zandt, March 26, 1844, beginning, "Enclosed herewith", and the paragraph immediately following. For the letter, see Correspondence with the United States.

<sup>c</sup> The paragraph omitted refers to salaries of diplomatic representatives.

<sup>d</sup> A. L. S.

views of our Gov. regarding this subject; and I have accordingly been waiting some time an arrival at Havre hoping it would bring me despatches and instructions from your Department. If however the next arrival brings me none, I shall nevertheless proceed *forthwith* to London. Since the matter of annexation has been so briskly agitated in the United States, I have seen both the King and Mr Guizot, but neither of them has made recently the slightest allusion to this subject. On the 1st Instant, the King inquired about our relations with Mexico and renewed the expression of his gratification at the practical cessation of hostilities under the armistice and his hopes for the establishment of permanent peace. The protests presented by the French and English Govts. to the United States against annexation, as mentioned in a former despatch of mine,<sup>a</sup> shows the views of these Governments and the importance they attach to this subject. I think the French Gov. is now waiting with interest for intelligence from the United States, considering that the solution of this question now rests with that country. The pending proposition of Texas to merge itself in the American Union is not calculated to facilitate the extension of our relations with Foreign Powers; the domestic affairs of Spain occupy the almost exclusive attention of its Government; nevertheless if "annexation" be not accomplished or in the process of accomplishment during the present session of the American Congress, I trust I shall shortly be able to execute satisfactorily the mission I have been charged with near the Spanish Government.

May 15.

We have an arrival at Havre, it has brought me no despatches I shall therefore leave for London immediately.

I have the honor to be Your most obedient servant

ASHBEL SMITH.

*Private*

P. S. Monsieur Castro and Monsieur Bourgeois d'Orvanne are both on their way to Texas. They are not on friendly terms. Each is perhaps a better man than the other would represent him.

Mr Castro's defaults in executing his contract have occurred in Texas, whatever they may have been. At least I have not had any reason to believe that he has used or attempted to use his contract to obtain money improperly in Europe.

Mr Bourgeois has at length got his contract in a good train for execution unless estopped by the late law of Congress on this subject. Persons of very high respectability and *most abundant* means are associated with him and his enterprise seems to be favorably regarded by Monsieur Guizot. I saw and conversed with the Prince

of Leiningen—(son of the Dutchess of Kent) who is associated with Monsieur Bourgeois. My opinion of Mr Bourgeois means to execute his contract is decidedly favorable.

I shall inquire about the English bz<sup>a</sup> on reaching London. It seems to have been much impeded if not wholly checked in its operations by dissidence among its members.

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SMITH TO JONES.<sup>b</sup>

[55]

LEGATION OF TEXAS, LONDON

June 2, 1844

The Hon. ANSON JONES,  
*Secretary of State,*  
SIR,

Previously to leaving Paris, I saw the King of the French and had considerable conversation with him concerning the affairs of Texas and chiefly about annexation. I also had an interview with Monsieur Guizot three days afterwards on the same subject. Yesterday I saw Mr Addington Under Secy of State, and afterwards had a long interview with Lord Aberdeen.

The negotiations for our incorporation in to the American Union and the treaty signed for this purpose at Washington took both cabinets by surprise. Both Governments are opposed to the annexation and will use all legitimate means to prevent its taking place. They have instructed their ministers at Washington, U. S. to present a protest against it to the American Gov. as stated in former dispatches of mine. These Governments have conferred together, and as Lord Aberdeen informed me, will act in concert in relation to this subject. I understood Monsieur Guizot to intimate the same opinion, though he did not distinctly express it: he added that Comte de St. Aulaire, French Ambassador at this Court would be instructed to consult hereon. I informed the King of the French as well as Monsieur Guizot and Lord Aberdeen that I had no instructions from my Gov. relative to annexation, and that my observations must be received accordingly.

Lord Aberdeen inquired what had occasioned this desire on the part of the citizens of Texas to be annexed to the United States. I replied the chief reason in my opinion was to be found in the continuance of hostilities on the part of Mexico, or rather of harassing threats and occasional though inefficient preparations to attack Texas, which nevertheless were sufficient to deter immigration and

prevent those enterprises for developing the resources of our country which can only be executed in times of peace: that our citizens were wearied out with the state of things, which for aught we could see might under present circumstances continue for twenty years or even a longer period. I also mentioned that I had communicated to my Gov. the opinion expressed by his Lordship last year, that Texas could not hope for peace from the mediation of friendly Powers. I added it was not surprising that in view of these things, the citizens of Texas should prefer annexation to a separate existence.

His Lordship alluded to the President's promptness to treat for annexation, adding that Gen Houston had been supposed to be hostile to this measure. I stated His Excellency's declining to listen to the overtures first made by the American Government: that in a representative Government like ours, the wishes of the people clearly and deliberately expressed must be executed; and that the execution of wishes so unanimously expressed as in the matter in question, by the members of Congress, in order to be faithful must be prompt.

I stated that Texas might possess or obtain means to carry on a successful war of invasion into Mexico; but that we dreaded the effects such a war would have upon our own institutions and on ourselves.

These considerations were presented as strongly and clearly as I was able to do, to Lord Aberdeen and also to Mr Addington whom I saw the same day; and they had I believe, great weight in removing the dissatisfaction felt by this Gov. at the course of Texas in treating for annexation.

I then entered into a full consideration with his Lordship of another matter. If herein I shall be found to have acted not conformably to the wishes and views of your department, I shall expect of course to be disavowed. I stated however in the *most explicit manner*, that I spoke without instructions or information from my Government.

I stated to his Lordship that in *my individual opinion*, if a solid, permanent peace were established with Mexico and a treaty of commerce with Spain so as to enable us to trade with Cuba, Texas might prefer to remain independent; that if the British and French Govs. would say authoritatively to Mexico you must *forthwith* make a solid and permanent peace with Texas, that Mexico would do so, and that the annexation of Texas to the American Union might not take place. His Lordship adverted to the awkward position of matters in case these two Govts. should take this step, accomplish this object even at the risk of a war with Mexico, and after all Texas should say we will not remain independent but will annex ourselves to the U. S.—It was then intimated that the British Government must be guided

by such assurances and representations of public sentiment in Texas as they should receive from their representative in our country.

This subject was discussed at much length and in all its bearings between Lord Aberdeen and myself. His Lordship did not express any definite conclusion thereon. On my leaving him he inquired if I should remain some days in town, in a way which lead [led] me to suppose he will make this matter the subject of consideration and of further conversation with me. His remarks at this time have induced me to think that were the British and French Govts *assured* Texas would decline annexation on condition of prompt and solid peace with Mexico, these Govts would use *decisive* language to Mexico even at the risk of themselves incurring a war.

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He also intimated that in renewing last year the offer of the good offices of his Gov. to Mexico and suggesting that the abolition of slavery in Texas would be a great triumph for Mexico, he did not intend to make abolition an essential condition of peace. I also understood him to say that to this renewal of the "mediation" the Mexican Gov. had never returned any answer.

I will now revert to my conversation with the French King for the purpose of stating, that he expressed himself favorably disposed to a joint and imperative representation to be made by his own and the British Gov. to Mexico in regard to a "peace", provided Texas would retain her separate existence.

Your department will perceive that the proposed "annexation" has excited *very great* interest in these two countries, altho' the rejection of the Treaty by the American Senate is here deemed quite certain. My clear opinion is, that in the event of the rejection of the treaty in question, Texas may profit by the present circumstances to induce France and England to compel Mexico to make peace with us; provided Texas will give to those two Powers satisfactory assurances that it will not become incorporated into the American Union. A favorable treaty with Spain would immediately follow; indeed I think it might perhaps be insisted on. The French Government is believed to exercise an almost controlling influence in the affairs of Spain. In the course of the conversation, Ld Aberdeen said that annexation would justify a war against Texas; he also intimated clearly that in his opinion a *decided* representation to Mexico coming from the British Gov. as talked of, would not be unheeded nor unsuccessful.

Having thus presented this subject to the consideration of our Gov. as a possible option in case annexation should be found impracticable at the present time I shall wait for information. It has not

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\* For the sentence omitted see Calendar of Correspondence with Great Britain.

appeared to me improper to discuss this subject and in the manner above stated, when presented to my consideration and contingently; inasmuch as I declared that the Treaty for annexation indicates the views of my Gov. and that I had yet received no instructions on the subject.

I have the honor to be with great respect,  
Your most obedient servant

ASHBEL SMITH.

GUIZOT TO SALIGNY.<sup>a</sup>

SMITH TO JONES.<sup>b</sup>

59

LEGATION OF TEXAS-PARIS

August 13, 1844.

Hon ANSON JONES

*Secretary of State, Texas,*

SIR,

I have the honor herewith to transmit two printed slips cut from the "Gazette des Tribunaux" of the 2d and 8th Instant,<sup>c</sup> concerning Mr Henri Castro; the first containing a notice of a judgment of the Court of Strasburg pronounced against Mr Castro; the second slip is a statement made by Mr Castro's friends of his absence from France and asking a suspension of opinion until his return to this country.

These pieces explain themselves perhaps sufficiently—yet I will add a few remarks.

The judgment of the court appears to me excessively severe, if not wholly unjust; it was pronounced however on *ex parte* statement apparently; Mr Castro not being present either personally or by counsel in his defence. The judgment was aggravated doubtless, by the mere facts of his non appearance, which I have been informed, is regarded as a sort of contempt of court. Some notion of the *real* damage done, in the opinion of the court, may be formed from the trifling amount of the fine of fifty francs imposed on him.

The *gravamen* of the accusation against Mr Castro is, that he did not put his colonists in possession of the lands promised them, after having received one hundred francs (not quite \$20.) from each married adult, and fifty francs (\$10. nearly) from each single adult, as a deposite for the faithful performance of their part of the contract. From the statement *adverse* to Mr Castro, it thus appears as the enclosed pieces will inform you, that he received in all two hundred

<sup>a</sup> August 1, 1844. See Calendar.

<sup>b</sup> A. L. S.

<sup>c</sup> The clippings mentioned are on file with this dispatch.

and ten francs (\$42.) from each adult colonist; to wit, 160 francs (\$32.) for passage from Europe to Texas and 50 francs (\$10) as a deposit.

The amount of \$42. in all, has not appeared to me unreasonable for passage from Antwerp to Galveston, although it may have been imprudent in the circumstances, to have demanded a portion of the sum as a deposit. All the facts connected with the landing of the emigrants and the subsequent attention to or neglect of them in Texas, are better known to the Government than to myself. It will be, too, for the Gov. to decide, if they choose to take notice of this matter, how far it was prudent in Mr Castro or other Empresarios to induce colonists to go to Texas at all, in the supposed exposed condition of the territory wherein the western Grants are situate. For as before mentioned, this is the *gravamen* of the charge that Mr Castro induced colonists to go to Texas, when there were in fact no lands of which they could take possession.

My own course in relation to this matter was formerly communicated to your Department; it has been to answer frankly and fully all inquiries concerning the condition and situation of the "Concessions" and never to persuade or dissuade any person in relation to emigration to Texas.

A copy of a document purporting to have emanated from the French Department of the Interior, was shown me some months ago. From that document it appears that the charges against Mr Castro originated in representations made by the late Chargé d' Affaires of France in Texas. The Chargé d' Affaires of Texas in France, being alluded to in that document (in terms of entire respect) I had some conversation with Mr Guizot relative to Mr Castro's enterprise. I have not however had any information or intimation relative to the case of Mr Castro except the enclosed slips from a public Journal.

Very respectfully your obed. servant

ASHBEL SMITH.

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SMITH TO JONES.<sup>a</sup>

LEGATION OF TEXAS, PARIS

October 16, 1844

Hon ANSON JONES

*Secretary of State*

SIR,

Your despatches of August 1. have just reached me—in time to acknowledge their receipt by the Steamer which sails from Liverpool the 19th Instant. I am obliged to you for promptly granting me the leave of absence; and I shall act accordingly. As I must needs

remain here some short time to make the necessary preparations for my voyage as well as to wait the departure of a good vessel, I have deemed it best not to present my letters of leave until a few days before sailing, in order that I may communicate with these Governments should I receive any instructions from you relative to the Diplomatic Act proposed by Ld Aberdeen.

The affairs of Spain continuing in an utterly unsettled state, it does not now appear to me advisable to delay my departure in the expectation of being able to form any diplomatic arrangement with that country.

I should be glad on reaching the United States to spend three or four weeks with my relations in Tennessee, unless you wish me to report in person at the State Department without this delay. May I ask for an answer to this request to meet me in New York—to be kept at our Consulate there until called for by me?

I have the honor to be  
very respectfully  
your obedient servant

ASHBEL SMITH.

SMITH TO JONES.<sup>a</sup>

LEGATION OF TEXAS, PARIS

To the Honorable

Nov 13, 1844.

SIR,

The SECRETARY OF STATE OF TEXAS,

The despatches of Aug. 1. from your Department were received only last month as mentioned in my preceeding despatch. There has been some unaccountable interruption of the mails from Texas, no person here having received any letters from our country of a later date than July last, with the exception only of your despatches of Aug. 1. just alluded to.

The absence from Paris of Monsieur Guizot who accompanied the King to England and his severe indisposition since his return, have prevented the presentation of my letters of leave of absence and have consequently protracted my stay here much beyond my expectation. It has appeared to me desirable to have a conference with M. Guizot previously to my departure, relative to the subject of the last despatches received from your Department as well as concerning our relations generally. I called yesterday in person at the Foreign Office and was informed that M. Guizot is recovering slowly, but is still so feeble as not yet to have transacted business with any of the Ambassadors. I was promised an interview so soon as his health will permit.

In consequence of M. Guizot's illness I took occasion a few days since to mention to the King the subject of my last despatches, to wit, the establishment of commercial relations mutually advantageous to the two countries, on the basis of Texas remaining a separate Power. He expressed himself in favor of this policy, and intimated I should see M. Guizot. Mr Rate Consul Gen. at London writes to me satisfactorily in relation to the course of the British Cabinet on the same subject.

I shall leave here on my return to Texas directly after having had the interview with M. Guizot. I am now expecting to sail by the Steamer from Liverpool of the 4th December.

I have to repeat my former statements about Spain. The condition of the Gov. of that country appears to render it unadvisable to attempt any negotiations with it. Violent changes have just been made in the Spanish Constitution diminishing the small measure of liberty and security previously enjoyed by its people. The natural consequence must be ere long another revolution. Nothing is stable there. Mr Washington Irving American Minister to Spain, has just left Paris for Madrid. He will let me know the condition of affairs there, with exactness, and the prospects of our being able to make a Treaty.

The negotiations at Washington U. S. last winter for annexation had an unfavorable effect on our standing in Europe. The Treaty seemed to show great indifference on our part to our national existence and indeed to merge it pending the consideration of the Treaty by the U. S. Senate. If our citizens desire the respect of other nations they will say nothing more about annexation unless the U. States shall do some preliminary act *conclusive* upon themselves herein.

On the whole our relations and standing in Europe are more satisfactory in my opinion than they were at any former period. These Cabinets strongly desire that we should preserve our separate independence, and that we should go on increasing in population, production and commerce; for their own interests will be promoted in a certain degree by our prosperity; and, the new administration will possess the high confidence which they placed in General Houston's.

I am

Very respectfully  
Your obedient servant

ASHBEL SMITH.

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SMITH TO JONES.<sup>a</sup>

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TERRELL TO JONES.<sup>b</sup>

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<sup>a</sup> November 14, 1844. See Calendar.

<sup>b</sup> November 22, 1844. See Calendar

GUIZOT TO JONES.<sup>a</sup>**MONSIEUR**

M. Ashbel Smith m'a transmis la lettre que vous m'avez fait l'honneur de m'écrire sous la date du 30 Juillet dernier, et par laquelle vous m'informez qu'un congé a été accordé à M. le Chargé d'Affaires de la République du Texas. J'ai été vivement touché des sentimens amicaux que vous voulez bien exprimer, au nom du Président de la République, à l'égard du Gouvernement du Roi, et je saisis avec plaisir cette occasion de vous renouveler l'assurance de notre désir réciproque de cultiver les bonnes relations qui existent entre les deux pays.

Agréez, Monsieur, l'assurance de la haute considération avec laquelle j'ai l'honneur d'être

de Votre Excellence

Le très humble et  
très obéissant serviteur

GUIZOT.

Paris 4 Décembre 1844

**M. ANSON JONES, Secrétaire d'Etat de la  
République du Texas.**

ALLEN TO TERRELL.<sup>b</sup>

[Announcing the personnel of the new administration.]

SALIGNY TO SMITH.<sup>a</sup>

Légation de France  
au Texas.

GALVESTON, le 4 Mars 1845

**MONSIEUR,**

Plusieurs Gouvernemens Etrangers se sont entendus avec celui de Sa Majesté pour la communication régulière et périodique des Lois, Ordonnances, Règlemens et Instructions en matière de douanes et d'accises. Cet échange de documens officiels est le plus sûr moyen d'acquérir la connaissance des actes qui peuvent intéresser le commerce de chaque nation, et je suis chargé, Monsieur, de vous proposer la conclusion d'un semblable arrangement entre le Gouvernement du Roi et celui du Texas.

Dans le cas où vous consentiriez à accueillir cette proposition, je vous prierais d'avoir la bonté de me faire parvenir, en triple exemplaire, le recueil de toutes les lois qui ont été promulguées par le

Gouvernement Texien depuis son Etablissement, et de faire transmettre de même à l'avenir à la Légation du Roi tous les documens de même nature qui seront publiés par la suite. De son côté, le Gouvernement de Sa Majesté mettrait à la disposition de la Mission Texienne à Paris un nombre égal d'exemplaires des recueils publiés par le Ministère du Commerce.

Agréez, Monsieur, l'assurance de la haute considération avec laquelle j'ai l'honneur d'être

Votre très humble et  
très obéissant serviteur

A DE SALIGNY

A l'Honorable ASHBEL SMITH, Secrétaire d'Etat  
etc etc etc

SMITH TO SALIGNY.

DEPARTMENT OF STATE  
Washington, the Brazos, March 13. 45

SIR.

I have the honor to acknowledge the receipt of your note of the 4th instant, concerning the exchange between this Government and that of His French Majesty, of the Laws and official documents of the two countries respectively.

I embrace with pleasure on the part of Texas the proposal made in your communication, and I shall have transmitted without delay to the Legation of His Majesty, the King of the French, three copies of the Laws and of other official documents and regulations of Texas from the origin of this Government to the present time; and hereafter copies of all publications of a like nature will be transmitted in the same manner, according as they shall be issued from the press. For the Laws etc., politely offered by the Government of His Majesty to that of Texas allow me to make my acknowledgment and to add that I shall receive them with great satisfaction.

I embrace this occasion to present assurances of the very distinguished consideration and regard with which

I have the honor to be

Sir,

Your most obedient  
humble Servant.

(Signed)

ASHBEL SMITH

The Count DE SALIGNY,

Chargé d'Affaires of His Majesty, the King of the French.  
etc. etc. etc.

TERRELL TO GUIZOT.<sup>a</sup>

TERRELL TO SMITH.<sup>b</sup>

(Despatch No 4<sup>c</sup>)

LEGATION OF TEXAS  
Paris March 18th 1845

To Hon ASHBEL SMITH  
*Secretary of State etc.*

SIR.

I have been in this Capital since the 12th day of Feby, and until yesterday evening I have never been able to procure an interview with the Minister for Foreign Affairs on business. At my first interview with him (which was merely a reception, and which did not take place until near a week after his first appointment) he said I must first be received by the King, and he would then have a conference with me on my business—and he said he would attend to it immediately. I waited some time and called again to see the Minister, but could not see him. I addressed him a note, but recd no answer—after some time I called again, but could not see him; I addressed him another note, but as before received no reply. The American Minister had told me that I would find Mr. Guizot *very shy* on the subject of Texan affairs—that it was a sore subject with him etc. I found it necessary to take some decided stand, and prepared a letter to Mr. Guizot (a copy of which is herewith transmitted) but before forwarding it, being anxious to avert the consequences which I feared would result, I concluded to consult Lord Cowley<sup>d</sup> on the subject; his Lordship begged me not to send the letter until he could see Mr. Guizot—I complied—the consequence has been a *very polite* note from Mr. Guizot yesterday morning, inviting me to an interview in the evening; and in the course of the day another notifying me that the King would receive me to day at one o'clock. Although I did not send the letter, I have reason to believe that Lord Cowley (to whom I read it) informed the Minister of its character, and in my interview with him I felt bound in candour to do the same. The letter itself is sufficiently explanatory of the circumstances under which it is written—therefore I enter into no further explanation of them. I forward it to your deptmt, that you may see to what condition things have been brought here—and

<sup>a</sup> March 15, 1845. See Terrell to Smith, March 18, 1845.

<sup>b</sup> A. L. S.

<sup>c</sup> Dispatches 1, 2, and 3, dated, respectively, January 21, January 27, and February 13, are in the Correspondence with Great Britain.

<sup>d</sup> Minister of Great Britain at Paris.

also to get the opinion of the deptmt as to the propriety of the course proposed and the one adopted, as my future guide should another such contingency arise, which however I do not think at all likely.

At one o'clock to day I attended at the Tuileries, and had a *most gracious reception* by the King.

I made to His Majesty a short address to which he returned a very appropriate reply—both of which I shall write out, as well as I can, and forward to your deptmt. His majesty entered into familiar conversation with me in regard to the condition of affairs in Texas—about which he evinced much solicitude—and also the U States, concerning both of which countries he displayed an extent and accuracy of information, even extending to localities and particulars, at which I was much surprised, and which shows the concern he feels in the welfare of these countries.

In my interview with the Minister for Foreign Affairs I made to him (in accordance with my instructions from your deptmt) a proposition for some modifications in the existing treaty between the two countries, having in view the introduction of the products of Texan labour into the ports of France upon more favorable terms than are at present allowed. He replied that it would be useless to enter upon a negociation of that character until the question of the Annexation of Texas to the U States should be disposed of. Should Texas determine to remain an independent nation, as soon as I am prepared to announce that fact to him, he will be ready to entertain any propositions of that character I may have to make. That it is the disposition of France to continue to cultivate the most friendly relations and extended commercial intercourse with Texas. That his Govt have evinced that disposition on all proper occasions—and especially in the instructions which they have given to their Ministers both in Texas and Mexico—which he said were fully as strong as those of the English Cabinet to their Ministers. These things, as far as the facts mentioned are concerned, I have no doubt are all so—but whether the Minister's wishes are in accordance with them I question somewhat—and this both from what Col King told me, and from the fact that the *Debats*, the Minister's own paper has lately come out (rather vaguely) in favor of annexation. In this I hope I may prove to be mistaken.

The King, I have not the least doubt, is at heart in favor of Texas remaining an independent Nation. He looked *all sincerity* when he said so, and used a good many arguments in favor of it, principally growing out of our agricultural and commercial interests—and finally said he could not see how Texas would be benefited *in any particular* by annexation.

I am completely in the dark as to the condition of things at home. I have heard nothing from Texas since the 11th Jany—and have received but one despatch from your deptmt since I left. We are looking for news now every day however, by the Halifax Steamer of the 4th Inst.

My health has been seriously injured by being compelled to remain here during the prevalence of the harsh winds of this month—the weather is said to be almost unprecedented. More snow fell here on the 15th than I have seen before in ten years—and it has been snowing half the time to day. The consequence is that I have been almost entirely confined to my room—and the disease in my lungs has been very much aggravated. What is to be the result I can not pretend to determine.

With great respect  
Your obdt servt

G. W. TERRELL

Address to the King.

I appear before your Majesty as the representative of the youthful Republic of Texas, and I assure you Sir, it is with feelings of no ordinary emotion that I, a plain republican, unused to the ceremony and the pageantry of Courts, find myself in this responsible capacity, in presence of the sovereign of one of the mightiest nations of the earth.

This embarrassment however, is much relieved by the character, which all accounts concur in giving, of your Majesty's republican simplicity and urbanity of manners, in all the relations both of social and political life; nor is it unmixed with some degree of pride and self-gratulation, that I represent a republic at the Court of the King of the French—that magnanimous and chivalrous people, who have ever been foremost in the recognition of republican states and republican principles. It is a sentiment deeply cherished by the people of Texas, that France was the first European power to take the infant Republic by the hand, while her steps were yet tottering and her confidence still faltered, and welcome her into the great family of nations.

I am instructed by my Govt to make known to that of your Majesty, the high appreciation placed by it upon the uniform friendship manifested by France towards Texas, from the earliest dawn of her national existence—and it is made my duty, as it shall be my pleasure, to continue to cultivate that good intelligence and those friendly relations, which have heretofore so happily subsisted—and if possible even to strengthen and extend the bonds of friendship and the intercourse between the two Countries.

I am also instructed to express to your Majesty the sense of obligation felt by the govt and the people of Texas, for the generous efforts made by your Govt to adjust the difficulties existing between Texas and her mother republic—and I trust that I shall so conduct myself, as the representative of my country, as to convince your Majesty that we merit a continuance of those good offices in our behalf; indeed Sir, I fondly cherish the hope that the fact of having been instrumental in giving peace and permanent independence to a young and rising Republic will, in future times, constitute the brightest page in the history of your Majesty's illustrious reign.

There is yet another part of my duty which I assure you Sir, I perform with sincere pleasure—that of expressing the wishes of my Govt for your Majesty's health, happiness, and long continued and prosperous reign—and also for the happiness and prosperity of your whole Royal family.

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'The King's reply.

I am pleased to hear these sentiments from your Govt. France is proud of having been the first nation to recognize the independence of the U States—and also that she was the first of the Nations of Europe that recognised the independence of Texas. You will please make known to your Govt that France has ever felt, and continues to feel, a deep interest in the welfare and prosperity of your young and promising Republic. You have shown yourselves worthy of independence, and it is the wish of the French Govt to see you maintain it, and remain a separate and independent nation. We have exerted all our moral energies, and will continue to do so, to procure the recognition of your independence by Mexico; and you may assure your Govt that no exertion—consistent with our obligations to other Govts—shall be wanting on the part of France, to bring about a result so desirable; and which it is my opinion is for the interest of the U States as well as of Texas.

I have always been a warm friend of the U. States—and so I am of Texas—for I look upon you all as the same people, but I believe it is for the interest of both nations that you should remain separate.

His Majesty then (in a conversational tone) repeated that he felt great solicitude for the prosperity of Texas—and would continue to do every[thing] within the compass of his power to advance her interests.

He was pleased also to remark that he knew my character—was apprised of the course I had taken as a member of the late administration—was glad to see me here, and hoped I would find my residence at the French Court agreeable etc.

After a very interesting conversation of about half an hour, concerning America and American affairs generally, I retired, under a most favorable impression of the King's goodness of heart, and his sincere friendship for Texas.

Col King (the American Minister) requests to be remembered to you—and that his respects be presented to the President—he has read his excellency's message and is very much pleased with it.

Please make my regards to all the members of the Cabinet, and accept for yourself assurances of the high respect with which I remain

Your obdt servt

G. W. TERRELL

[Mr. Terrell to Mr. Guizot.]

LEGATION OF TEXAS

Paris March 15th 1845

The undersigned, Chargé d' Affaires of the Republic of Texas, etc. presents his compliments to his Excellency the Minister for Foreign Affairs, and would respectfully suggest to the Minister that he has waited, at least *a reasonable time*, for the redemption of the promise made to him at his first interview with the Minister, and repeated on the Minister's last reception night. It is therefore with the most painful reluctance, that he feels himself driven to the necessity of announcing to Mr Guizot that, should this communication share the fate of its predecessors on the same subject, he shall feel himself compelled, under an imperious sense of the obligation he owes to his Government, to take his leave of the French Court immediately. For he cannot, consistently with his sense of propriety, compromit the dignity of the Country he has the honor to represent (however insignificant it may appear in the estimation of a great nation) nor his own personal independence, so far as to consent to remain at a Court where it is evident to him he is not regarded in the capacity of a minister, representing a nation; where his written communications appear to lie totally neglected on the Minister's table; where his verbal applications seem destined to share no better fate—and where, in a word, he has, from the time of his arrival, experienced little else than cold indifference if not absolute neglect.

He was willing to believe, as long as he could find, within himself, a plausible pretext for such a supposition, that these things were rather accidental than designed; but when he perceives the same course of conduct persisted in for such a length of time (notwithstanding his continued efforts to avert it) without any reason, excuse, apology or explanation for it, he is forced to the conclusion that all this apparent neglect cannot be the result of mere casualty.

What constitutes politeness in the polished circles of Europe, and especially within the precincts of the refined Court of the Tuilleries, the undersigned has had no means of ascertaining, but with us uncouth Americans it is considered politeness to treat all public functionaries, of whatever grade, with at least common courtesy—and their communications, when couched in respectful terms, are always deemed worthy of an answer.

Texas is fully apprised of the position she occupies in the Great Commonwealth of Nations. She as yet puts forth no pretensions to the first rank in this great family circle. She does expect however that her representatives at foreign courts will be treated with the common courtesy, the ordinary civility usually accorded to Ministers of their grade. More than this she does not ask—with less she will not be satisfied.

Has the Chargé d' Affaires of Texas received this *common courtesy* since his arrival in France? Has he received *any courtesy* whatever at the hands of any members of the French Government? Let facts answer these questions. Lest such trivial circumstances should have escaped the recollection of the Minister, in the multiplicity of his important avocations, the undersigned will briefly pass in review the leading incidents which have occurred between them since his arrival in Paris. Immediately on his arrival (more than a month since) he addressed a note to the Minister for Foreign Affairs announcing the fact, and requesting that a time might be appointed for his reception, at the Minister's convenience. This note was promptly responded to, appointing the afternoon of the 15th ult—for his reception. He attended at the time designated, and to his great surprise was informed that the Minister had left his office several hours before. No message was left for him—no excuse or apology for his non reception was made. He concluded he would of course receive a note from the Minister in a day or two, appointing another time for his reception. This he then thought, and still thinks, common politeness, not to say official courtesy, required. In this expectation he was disappointed. It was a small matter however, and he cared nothing about it; and never should have recurred to it again had it not been followed up, in the manner it has been, by the same character of conduct. He waited three or four days and addressed a second note to the Minister—to which Mr. Guizot replied on the next day, appointing the evening of that day to receive him. He went and was received by the Minister. No apology was made or explanation given for his disappointment on the former occasion, and when he mentioned the circumstance (which he did from the fear that he himself had made some mistake) the Minister replied, *with great indifference*, that he was compelled to leave his office on business.

Mr. Guizot will doubtless recollect that he then proposed to the undersigned (for he did not ask it) that he would see the King immediately to know when his Majesty could receive him, and would let him know by letter when he would be received. After which he would appoint a day for a conference with him on the business of his mission.

Mr. Guizot is aware that the undersigned is labouring under a severe disease of the lungs, which he informed Mr. Guizot, at an early period, was much aggravated by his stay in Paris—hence his anxiety on this subject—it being all important to him to get away as soon as possible, until the harsh weather should have passed off. He waited a week in daily expectation of hearing from the Minister, but nothing came. He then addressed a note to Mr. Guizot, stating his unpleasant and indeed critical situation, and the *indispensable necessity* he was under of removing to a climate more congenial to his condition, and *requesting it as a favor* of the Minister, if convenient, to procure him the proposed audience of the King in the course of that week. To that note he received no reply. He waited till the end of the week and called to see the Minister—the Minister was engaged, he could not see him. He then waited until the next reception night of the Minister (the 4th Inst.). There it was with great difficulty he obtained *one minute's* conversation with the Minister, who informed him that he had seen the King on the subject, and supposed he had received the undersigned. He then repeated to the Minister, that under the advice of physicians, he found himself compelled to leave Paris immediately, or run imminent hazard by remaining here—that not only his present health and comfort, but his life itself depended upon his exercising the utmost precaution for its preservation. The Minister then promised him he would attend to his business *the next day*—and that is the last he has heard of it. After the lapse of about a week he again waited on the Minister for the purpose of making a different proposition to him—he sent in his card, but the Minister was engaged and could not see him. He then addressed the Minister another note, stating that the honor of being presented to his Majesty the King (although very desirable) was a matter of no consequence to him, compared to the condition of his health—that it was *absolutely necessary* for him to leave Paris, and if the Minister would afford him an interview of *one hour* on business, it was all he asked during his present stay in Paris. Of this note also the Minister appears to have taken no notice whatever. A request so moderate and, under the circumstances, so reasonable, it would be supposed not only common politeness, but the common sentiments of humanity would have prompted the Minister to grant. To say that the Minister could not, since the date of this note, have afforded to the undersigned an interview of *one hour*, without prejudice to his

other engagements, would be a statement so preposterously absurd, that the Minister would hardly expose himself to the ridicule he would incur by making it.

There is something in the conduct of the Minister throughout this whole transaction, that is to the mind of the undersigned incomprehensibly mysterious. Had he been told that a Minister of the Cabinet of France was capable of treating the representative of a *small state* in this manner, he would have been disposed to repel it as a slander upon the well known magnanimity of the French character. But when he has realised the fact in his own person, he is compelled to believe it, although it fills him with utter astonishment, and he is wholly at a loss to account for it.

It was the wish of the undersigned, in accordance with instructions from his Government, to have submitted to the Minister for Foreign Affairs, some propositions in relation to the reciprocal interests of the two countries, but he deems it useless again to ask an interview with the Minister, inasmuch as Mr. Guizot proposed to grant him a conference on the business of his mission (and to which resolution he seems determined to adhere) only after he should have been received by the King—and his Majesty has not condescended to receive him.

It is with very great diffidence that the undersigned would venture to make any suggestion to the Minister for Foreign Affairs, in relation to the National policy of his country. Believing however, that the Minister's mind has been so much preoccupied with other matters of great concern to the nation that he has not bestowed that consideration on this subject which its importance entitled it to—he would, with great deference, intimate to the Minister that a very little reflection must convince a Minister of Mr. Guizot's forecast and comprehensive sagacity that, however inconsiderable that country may appear at present, extended commercial intercourse with Texas is the interest of France. It results from the unvarying laws of human nature, that a country favorably situated for commerce—embracing every variety of both soil and climate, and which is rapidly filling up with a race of people who have never been known to recede—possessed of the most indomitable energy and enterurous enterprise, must in time, become very considerable amongst the nations of the earth.

France has at present a firm hold on this people—greatly above that of all other European nations, and it would be a very easy matter for her to retain it. Her citizens would there find a ready and constantly increasing market for large quantities of their manufactures and other products, such as silks, cloths, merinos and other wollens—clothing of every description—fine wares—liquors both spiritous and vinous—and many other kinds of merchandise, for

supplies of which Texas looks now almost exclusively to France. In addition to this the French merchant ships would, for years to come, enjoy almost the entire benefit of the carrying trade between the two countries.

Although weak in numbers, the Texans are a very proud and independent people, and would not tamely brook an insult on even a pointed slight offered them in the person of their representative. The undersigned would therefore take the liberty to admonish the Minister for Foreign Affairs that a perseverance in a course of such *palpable neglect* as has heretofore characterized his conduct towards the undersigned, might at least incur the hazard of losing to his countrymen the advantages of a very lucrative trade, and of alienating from France the hearty affection of a people whose friendship may one day be considered worth preserving.

The uniform friendship heretofore manifested by France towards Texas, has made a deep impression on the minds of both the Government and the citizens of that country—nay it has sunk into the very hearts of the people; nor is there a single individual of the Republic by whom this sentiment is cherished more fondly than by the writer of this letter. Indeed from the earliest period of his historical researches, he has looked upon the French as amongst the mightiest nations which the annals of the civilised world presents to the view of mankind. Her greatness and her grandeur have been the subject of his enthusiastic admiration; and he came to Paris animated with these sentiments towards France and the French people—it is therefore with unaffected sincerity that he assures Mr. Guizot it will be to him a source of the most poignant regret that any thing should occur calculated to change his opinion of the magnanimity of the French character, and to leave him no alternative, consistently with his sense of duty his government and his people, but to retire from a Court combining in his estimation so many interesting associations.

If the undersigned has been mistaken in any of the facts or inferences stated in the foregoing letter—if he has misconceived either the conduct or the motives of Mr. Guizot, he will be most happy to be corrected—for he assures Mr. Guizot that in writing this letter he is not influenced either by whim, caprice or temper—it is done, (more in sorrow than in anger) and he has been prompted to the course he has adopted alone by a deliberate conviction of what is due to his Government, and to himself as its representative. And least of all does he *seek* a controversy with Mr. Guizot, conscious as he is of the position that both his Government and himself must occupy in a contest with a Minister of the French Cabinet. But he would be a very unworthy representative of the people of Texas, if he permitted any such considerations so to influence his conduct as to cause him to shrink from the performance of any duty which his station devolved upon him.

Wishing to France as much prosperity and glory as fall to the lot of a nation—to her good King a long, peaceful and prosperous reign—and to the Minister for Foreign Affairs as much reputation and individual happiness as his great abilities and untiring zeal in the service of his country so eminently merit—the undersigned renews to Mr. Guizot assurances of the high consideration with which he remains his Excellency's

Most Obdt Servt

G. W. TERRELL

To his Excellency the  
MINISTER FOR FOREIGN AFFAIRS

SMITH TO SALIGNY.

WASHINGTON ON THE BRAZOS

*March 21, 1845.*

MY DEAR COUNT,

His Excellency the President has placed in my hands the documents communicated by yourself to him, relative to the Texas Promissory Notes you deposited with the Stock Commissioner in November 1840.<sup>a</sup> It would be wholly unnecessary to admit in formal terms the justice of your claim for payment; for its justice is most obvious.

The office of Stock Commissioner has been abolished; and I suppose you would not at the present prices of Texas liabilities, wish to receive the stock to which you were entitled, even if it were practicable at this time to issue bonds for the same.

Nor can the Treasury Department afford any facility for the present liquidation of your claim; for as you are aware, no money can be drawn from the Treasury except upon a specific appropriation, made by the Congress.

While therefore the President perceives the undeniable justice of your claim, he is unable to cause payment to be made by reason of the obstacles interposed by the Constitution and Laws.

Under the circumstances, Congress alone it is believed, can apply the remedy. If it is your wish the Government will have this matter presented to the Congress at their next session, and will use all proper means for obtaining through them a satisfactory settlement of your demand. Or will you write me a line to suggest any other feasible manner of adjustment that will be more agreeable to yourself, and it shall receive the prompt consideration of the Government.

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<sup>a</sup> The documents referred to are copies of Saligny to Houston, June 6, 1842, with an inclosed receipt and memorandum, and of Houston to Saligny, June 8, 1842. They are filed with Smith's letter of March 21, 1845, and with them is an inclosing band on which is written, "Miscellaneous Papers relative to certain promissory notes of the Government deposited by Hon. A. de Saligny, for funding. Answered by Hon. Secy. of State in a private letter Mar. 22d 1845. Not to be recorded, but filed for future reference. J. C. Eldredge Chief Clerk."

The President regret deeply that this matter should remain so long unsettled, and that the amount due should be so long withheld from the possession of its just owner.

With sentiments of the highest regards and consideration, I am, dear Count,

truly and faithfully

Yours

ASHBEL SMITH.

The Count DUBOIS DE SALIGNY

*etc. etc. etc.*

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SALIGNY TO JONES.<sup>a</sup>

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DE CYPREY TO JONES.<sup>b</sup>

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SALIGNY TO JONES.<sup>c</sup>

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JONES TO DE CYPREY.<sup>d</sup>

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SALIGNY TO ALLEN.<sup>e</sup>

[Announcing the appointment of Mr. Arcieri as provisional consular agent of France at Galveston during the absence of M. Cobb.]

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LIPSCOMB TO McINTOSH.<sup>f</sup>

[Relative to McIntosh's salary as chargé d'affaires to France.]

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SALIGNY TO ALLEN.

Légation de France  
au Texas.

NOUVELLE ORLÉANS, le 14 Janvier 1846.

MONSIEUR,

Dans les différentes entrevues que j'eus l'honneur d'avoir, au mois de mars dernier, soit avec Son Excellence le Président, soit avec votre prédécesseur, l'Honorable Ashbel Smith, et avec vous-même, j'appelai l'attention sérieuse du Cabinet Texien sur une question importante, qui n'avait point, d'ailleurs, échappé à sa sagacité: je veux parler des rapports commerciaux entre la France et le Texas, tels qu'ils ont été réglés par le Traité conclu, le 25 Septembre 1839, entre les deux Pays, et dont la durée n'expirera qu'en février 1848.

<sup>a</sup> April 3, 1845. See Calendar.

<sup>b</sup> May 20, 1845. See Calendar.

<sup>c</sup> May, 1845. See Calendar.

<sup>d</sup> June 6, 1845. See Calendar.

<sup>e</sup> June 14, 1845.

<sup>f</sup> August 15, 1845. See Records of Department of State (Texas), Book, 38, p. 149.

Prévoyant l'hypothèse où, contrairement aux désirs de la France, le Texas renoncerait à sa nationalité distincte et séparée, j'exprimai alors, au nom du Gouvernement du Roi, la ferme confiance que le Gouvernement Texien ne songerait, en aucun cas, à se soustraire aux engagements contractés par lui envers la France, et qu'il ferait ses dispositions pour assurer la pleine et entière exécution de la convention précitée.

En réponse, je reçus de son Excellence le Président ainsi que de l'Honorables Ashbel Smith, et, plus tard, de vous-même, lorsque le Département d'Etat eut été confié à votre direction, l'assurance formelle que le Cabinet Texien tenait à remplir scrupuleusement toutes ses obligations, et que, malgré les difficultés que pourrait présenter cette question si le Texas venait à s'incorporer à un autre Pays, il ne négligerait aucune des mesures nécessaires et praticables pour satisfaire à la juste attente de la France. J'ignore, Monsieur, quelles sont celles qu'il a jugé à propos de prendre pour assurer ce résultat: mais tout en me reposant à cet égard sur la loyauté connue de Son Excellence le Président et de son Cabinet, je dois, dans la situation des choses, et pour obéir aux intentions du Gouvernement du Roi, insister de nouveau auprès du Gouvernement Texien sur les considérations que je lui ai précédamment soumises, et lui rappeler les obligations dont la France attend avec confiance le fidèle accomplissement.

Je vous prie d'agrérer l'assurance de la haute considération avec laquelle j'ai l'honneur d'être,

Monsieur,

Votre très humble et  
très obéissant serviteur

A. DE SALIGNY

à l'Hon.

EBENEZER ALLEN,  
*Secrétaire d'Etat.*

ALLEN TO SALIGNY.

DEPARTMENT OF STATE

*Austin [Texas] 10th Feby. 1846.*

The undersigned Secretary of State of the Republic of Texas having just received the note which Monsieur the Count de Saligny, Chargé d' Affaires of His Majesty the King of the French near this Government did him the honor to address to him under date of the 14th ultimo on the subject of the commercial and other relations subsisting between France and Texas under the treaty concluded on the 25th September 1845<sup>a</sup> and referring to some conversations

alluding to the same subject which occurred between Monsieur de Saligny and several members of the Texian Cabinet in the month of March last.

Those members did not intend at any of the interviews referred to by Monsieur de Saligny to leave upon his mind the impression that the Texian Government would in the event of the proffer for annexation then anticipated from the United States, interpose to prescribe for the latter any steps or measures in reference to that treaty, to be adopted as conditions precedent to the acceptance by Texas of such proffer, (and to be carried out by the United States after the Union then contemplated between the two Republics should be consummated.)

Of the alternative propositions, embraced in the Joint Resolution adopted by the Federal Congress for carrying into effect the proposed measure of annexation, the one selected by the Executive of that Government and proffered to this on the 31st day of March last, precluded the latter from interposing any new terms or conditions, and referred itself simply for acceptance or rejection to the Government and people of Texas. The acceptance of the terms of that overture, has as Monsieur de Saligny is aware been accorded and manifested on the part of this Republic; and the Congress of the United States by a recent act has admitted Texas as a State into the Union under the Constitution adopted by the Convention of Delegates assembled at Austin in July last.

During the existence of Texas as a separate and independent Republic it has been and will continue to be the object and intention of her Government to fulfil and discharge all the obligations devolving upon her in virtue of the treaty referred to; but the President is of opinion that it cannot be justly insisted on the part of France, that this Government during the pendency and progress of the steps prescribed for Texas by the terms of the elected overtures was called upon to attempt to settle or discuss with the United States any question appertaining to the interests of France as connected with that treaty; its continuance or force after the consummation of the union between the two Republics.

After the state Government shall have taken the place of the existing Government, all questions of the nature above described, must so far as Texas is concerned, be necessarily referred to the Government of the United States, whose long established friendly relations with France afford the strongest guaranty that her interests and rights will be treated with the same just consideration and respect, which, as ever before the annexation of Texas, will continue to influence the Federal Government afterwards.

The Undersigned etc. etc.

CORRESPONDENCE WITH SPAIN.

FISHER TO JONES<sup>a</sup>

SMITH TO SANCHO.<sup>b</sup>

SMITH TO IRVING.

(Copy <sup>c</sup>)

Mr Ashbel Smith to His Exy Washington Irving.

LEGATION OF TEXAS LONDON

September<sup>d</sup> 1342

SIR,

I had a conversation some days since with General Sancho the Spanish Minister at this Court, concerning the recognition of Texas by Spain and the establishment of relations by treaty between the two Countries. At General Sancho's suggestion I addressed him a note on this subject of our conversation, which; note, he has since informed me, has been transmitted to his Government.

In view of the numerous and intimate relations subsisting between the United States of America and Texas, it has seemed to me probable that your opinion as the American Minister at Madrid, might be directly sought concerning Texas. And I am well aware that any opinion you may express on this subject to the Spanish Government, will deservedly have great weight. I have therefore taken the liberty of writing to you at this time and annexing a copy of my Note to General Sancho.

The right of the Republic of Texas to be recognised as one of the family of Nations, by other Powers to which she shall make application, rests on her just claims which are to be inquired into as matters of fact. I feel intire confidence that you would aid in obtaining a

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<sup>a</sup> May 3, 1842. See Calendar.

<sup>b</sup> September 7, 1842. See Smith to Jones, September 8, 1842.

<sup>c</sup> Inclosed with Smith to Jones, September 19, 1842. See Correspondence with Great Britain. With the original sent to Irving was inclosed a copy of Smith to Sancho, September 7, 1842.

<sup>d</sup> The day of the month must have been either the 7th or the 8th; for this letter was written subsequent to that to General Sancho of September 7 and previous to the dispatch to Jones of September 8.

due consideration of these claims, at all times, when it would be proper for you to do so. I feel too, that an appeal for your kind offices on this occasion, to the powerful motives which bind Texas and the United States so closely to each other, would be as little complimentary to you, as it would be wholly unnecessary.

I take the liberty of mentioning here, altho' this fact has no very direct relevancy to the foregoing matters, that one principal object I had in calling on General Sancho, was to inquire into the truth of a statement I received from a respectable quarter, that the British Government had been notified of an intention on the part of the Spanish Authorities in the West Indies, to send a naval force to break the Blockade of the Mexican Ports by the Texian Navy. The Spanish Minister declared himself possessed of no information on this subject. The Government of Texas would view such a step taken by Spain, with regret; and I am sure the Spanish Government would not authorise it, except under a great misapprehension of the condition of affairs in the Gulf of Mexico.

I have the honor to be  
with great respect

Your Excellency's  
obedient servant

signed.

ASHBEL SMITH

3 St James's Street  
London.  
His Excellency  
WASHINGTON IRVING  
etc. etc. etc.

SMITH TO JONES.<sup>a</sup>

LEGATION OF TEXAS, LONDON  
September 8, 1842

Hon ANSON JONES  
*Secretary of State*

SIR,

Having been assured from a source in which I can place reliance that the Spanish Authorities in the West Indies had signified their intention to force our Blockade of the Mexican Ports, I called on General Sancho, the Spanish Minister at this Court, to whom I mentioned the subject. I stated to him that I had heard the report in question on such authority as entitled it to attention, but that I could not permit myself to believe it; and I expressed the hope he would authorise me to assure my Government that it is entirely destitute of foundation. General Sancho replied that he had received

no information on this subject from his Govt., that it is one of those cases in which the Captain General of Cuba acts according to circumstances without waiting to consult the home government. General Sancho then proceeded to argue the question hypothetically, and maintained the opinion that Spain need not or could not respect the blockade as it had not recognized Texas. I quoted the opinion of Sir Robert Peel speaking for the British Governt. in Parliament, to the effect that it respects a blockade although it may have never recognised the Nation declaring the blockade; and I added that the maritime importance of England gave much weight to its opinion on such a point. He observed that so far as regarded Spain, Texas is not a State, etc. I replied the recognition by the United States of A. France, England and Holland fully admits Texas into the family of nations with all the rights of a nation, and he must perceive that a formal recognition by every other power is not necessary to entitle a nation to exercise its rights. After the recognition of Texas by the Great Powers named above, would not, I said, the forcing our blockade by Spain be an act of war? General Sancho thought not, and then repeated what he had several times stated, that he spoke hypothetically only and from himself without information or instructions from his Government.

We then discoursed on the condition of Texas generally. I narrated briefly our history and stated our resources etc., directing his attention to them chiefly with reference to defence and foreign commerce. I found him pretty well informed on these subjects. I mentioned that Texas had ever entertained a high and just estimate of the importance of Spain, and of the mutual advantages which wōuld spring from the establishment of friendly relations between the two countries; but that circumstances of unavoidable delay had hitherto occurred in presenting the claims of Texas to the consideration of Spain. I further added that I was authorized to make such overture whenever it should be agreeable to the Spanish Government to entertain the subject.

He appeared to receive this information on the whole quite favorably—spoke of our condition at length, said he would write forthwith to his Government; and asked me to address him a written note on this subject. I made a communication accordingly; a copy of which is hereto annexed. I have sent a copy of my note to General Sancho, to the Hon Washington Irving, American Minister at Madrid, and have asked of him such aid in furthering the claims of Texas as his position at that Court will permit him with propriety to render. I am not very sanguine of being able to obtain immediately our recognition by Spain—but it appears to me very proper that I should be furnished with powers to make a treaty and forthwith. Let me respectfully urge on your Department to

send at your earliest convenience a general power and instructions to conclude Treaties.

It has occurred to me that your department may regard me as having been remiss in presenting the claims of Texas to recognition by other powers. I have only to state that in view of the opinions entertained of Texian Affairs, at the time of my reaching London, a presentation of this subject would have been worse than useless. Every Government, I was assured would have committed itself in opinion against our recognition. The Times, probably the most influential newspaper in the world, had stated its belief that the history of Texas as a separate people, was terminated, and that it had become in all probability again an integral part of Mexico. Our credit in every respect was at the lowest ebb, as I have formerly reported to your department. On my arrival in France the Ministers from Russia, Belgium, the Hanse Towns and Spain were absent from Paris, Nor did they with the exception of the Belgian Minister return to their post during my stay there. I have the satisfaction to believe that a much better appreciation of our country already obtains here, and that this favorable opinion is increasing.

Touching the intelligence of the intention expressed by the Government of Spain to force our Blockade of the Mexican Ports, I will state, that I am positively assured by a responsible and highly respectable person here, that the Spanish Authorities at Cuba notified their determination to break the Blockade, to the British Officers at the Havanna, who officially communicated it to their Government. As I have mentioned the Spanish Minister here disavowed all knowledge of the subject and said the Captain General acts in such matters without waiting for instructions from Spain.

The Mexican Steamer Montezuma detained by order of the British Government remains in the same condition as mentioned in my preceding dispatch. The principal members of the Cabinet, Lord Aberdeen and Sir Robert Peel are still absent with the Queen, who is on a visit in Scotland. As the detention is *wholly* a Cabinet proceeding, nothing will probably be done till their return. If agreeably to my request made to Lord Aberdeen in my last note to his Lordship, the case of the Montezuma shall be turned over to the Courts of law, I think we can procure her condemnation. At present while the proceeding is exclusively of the Administration, the Lords of the Treasury may order her release at any moment. I think however she will not be released shortly.

The subject of lands purporting to be in Texas offered for sale in London, has claimed my careful attention. It has been stated to me that Mr B. C. Jackson formerly of Texas has sold some unlocated head-rights which were fraudulent. This must have been, if ever,

previously to my reaching London. In view of the just complaints made on this subject, I have addressed a circular note to our Consular Agents in England enjoining on them strict attention in regard to transfers authenticated before them. Excepting a single *patent* for 640 acres the sale of which was recently authenticated before Mr Rate, Consular Agent, I am not informed of any sales having been effected under any circumstances since my arrival here. Indeed, at this time, Texian lands have scarcely any market value in London. Your department is assured that if any fraudulent titles have been purchased, it was through the fault of the purchasers, for neglecting to make inquiry at the authorized and responsible sources of information. Conceiving this to be an important duty, my instructions to Mr Rate Consular Agent have been strict and he appears strongly impressed with their propriety.

I have the honor to recommend as Consuls for England and Scotland the following gentlemen.

Alfred Fox—of the firm of G. C and R. W. Fox & Co *Falmouth*.

John Graham Stewart, Merchant 19 South Hanover Street, *Glasgow*.

John Roxburgh, of the firm of Gray, Roxburgh & Co *Greenock*

John Clow, of the firm of Tennerets, Clow & Co *Liverpool*.

John Atkinson, *Hull*.

C. Were Fox *Plymouth*.

Lachlan Macintosh Rate,—of the firm of Little, Rickards & Co London. 15 Bishopsgate Street.

These recommendations have been made on careful advisement with Wm. Kennedy, and a scrutiny by myself into their standing. Mr Kennedy who will leave in a few days for his post of English Consul at Galveston will bring out the references and letters of recommendation presented by the gentlemen above submitted to His Excellency's consideration.

From some circumstances I am led to think that great delay is experienced in the receipt of my Despatches to your department. I do not know where it exists. My dispatches are always deposited by myself in the Post Office in London and the postage to the United States regularly paid. They are uniformly forwarded from Liverpool within 48 hours after they are written in London. The delay must occur in the United States.

I am still without advices of recent date from your department

I have the honor to be

very respectfully

Your obedient servant

ASHBEL SMITH.

(Copy.)

LEGATION OF TEXAS, LONDON

September 7, 1842.

His Excellency

General SANCHO

*Minister from Spain**etc. etc. etc.*

SIR

Agreeably to the promise made by me in the conversation I had the honor to hold with your Excellency on the 5th Instant, I address you a note concerning the Republic of Texas.

I shall mention only a few topics and briefly; for, your Excellency's acquaintance with the history of the times, will dispense on my part the necessity of entering minutely into details.

On the 2d of March 1836, the Citizens of Texas for reasons set forth in their Declaration of Independence declared themselves forever separated from and independent of the Republic of Mexico. At that moment General Santa Anna was far advanced into the interior of Texas, at the head of a numerous, well disciplined and well appointed Army. On the 21st of April following, the Mexicans were defeated in a pitched battle, and the President Commanding in Chief with his staff, and the flower of his Army, were taken prisoners by the Texians. In consonance with the humane spirit of the Age, General Santa Anna and the other prisoners were permitted to return to Mexico unharmed in their persons or lives.

An Independent Government was then organized by the Citizens of Texas, and from that moment to the present time, they have held their territory in entire and uninterrupted possession, and have exercised therein all the attributes of sovereignty in the fullest manner. Enjoying stable institutions at home, they have rapidly increased in population and all the elements of strength. In view of the above facts, of the efforts made by Mexico in 1836, and of the exertions she is capable of again making to subjugate Texas, it is clear Texas can have no apprehension of the result of any future contest with Mexico.

As an evidence of the capacity of the Texians for self-Government, I may state to your Excellency, that since the organization of their Government, no internal disturbance or commotion has occurred, nor have any changes been made in its administration, except by the civil elections and at the times and agreeably to the forms prescribed by their Constitution and Laws.

Your Excellency's acquaintance with the Histories of Nations will justify me in stating, that since the establishment of its Independence, the increase of Texas in population, its progress in the industrial, commercial and agricultural arts are unexampled. Since 1836, the

population of Texas has augmented many fold. Its products for foreign commerce, which, at the period mentioned, were almost null, are already important and rapidly increasing. The crop of cotton grown the present year in Texas, is estimated on moderate calculation, at one hundred thousand bags. I mention the Cotton Crop only, as an example, a favorable one, it is admitted; for, your Excellency's knowledge of that portion of the Globe renders it unnecessary for me to point out the numerous other objects which that country will furnish for export.

A brisk little commerce has already sprung up between Texas and the Havanna, which in view of the rapidly developing resources and increasing products of the former country, will, if fostered by the establishment of friendly relations with Spain soon become important, extend to other possessions of Her Majesty's Government as well as to the parent Country, and be productive of great mutual advantages. The proximity of Texas and Cuba renders their commercial intercourse easy and prompt. A difference in their climate and soil produces many articles of commerce reciprocally needed by the inhabitants of the two countries;—and an exchange of the beef and other meats, the cereal grains, the live stock and numerous other articles of Texas for the various productions furnished in profusion by Her Spanish Majesty's possessions, would be highly convenient and profitable on both sides.

The establishment of friendly and diplomatic relations between Spain and Texas, would not only augment their commercial intercourse but also place it on a secure basis;—it would give to Spain another source whence to procure objects of foreign production which she may need, and open another market to the surplus products of the industry and skill of her subjects:—it would strengthen and cement that friendly regard for Spain which the associations of History and numerous objects in Texas are so well calculated to inspire in the minds of its citizens.

I do not deem it necessary to mention to your Excellency that the Republic of Texas has been recognised as an Independent Power by the United States of America, France, England and Holland; nor to occupy your time in relating the circumstances of unavoidable delay which has occurred in presenting this subject to the consideration of Her Majesty's Government of Spain:—for which, I may add Texas has ever entertained a sincere regard as well as a high sense of its great importance.

I have the honor to subscribe myself  
with sentiments of great esteem  
Your Excellency's  
obedient servant,

The Chargé d' Affaires of Texas

signed

ASHBEL SMITH.

COMMISSION OF SMITH AS CHARGÉ D' AFFAIRES TO SPAIN.<sup>a</sup>

[Conferring power to conclude a treaty of amity, commerce, and navigation.]

JONES TO MINISTER OF FOREIGN AFFAIRS OF SPAIN.<sup>b</sup>

[Letter of credence for Ashbel Smith as chargé d' affaires from Texas to Spain.]

## JONES TO SMITH.

DEPARTMENT OF STATE  
Washington Feb. 16th. 1843

Hon. ASHBEL SMITH, *Chargé d' Affaires etc. etc.* SIR,

Enclosed herewith I have the honor to transmit you a letter of Credence for yourself as Chargé d' Affaires of this Govt to that of Spain, and also a full power to negotiate and conclude a treaty of Amity, Navigation and Commerce with that power.

So soon therefore, as you definitely ascertain that a willingness exists on the part of the Spanish Govt. to receive you in the character in which you are now accredited you are authorized to proceed to the court of Madrid and put yourself in communication with it.

The situation of the Island of Cuba in reference to Texian Commerce is such as to render it very desireable that a Treaty should be concluded between the two countries at as early a period as practicable.

You will therefore proceed in the negotiation of a Treaty with the Govt. of Spain, with as little delay as possible after your reception by it. In this negotiation you will obtain such advantages for Texian trade and commerce in the ports of Spain and her dependencies in the West Indies as you may find it practicable, forming the Treaty on the basis of mutual reciprocity and, with stipulations in relation to all matters similar in character generally to the provisions of the Treaty between this country and France, negotiated by Gen. Henderson.

It is deemed unnecessary to give you more detailed instructions in relation to this subject, as the President relies with the greatest confidence upon your good judgement, and your zeal to promote the best interests of Texas and is unwilling to hazard the success of the negotiation, by as restricting your powers and your discretion within too narrow limits.

Mr. Daingerfield, left this [city] for Europe about two weeks since. He is appointed to the Netherlands as Chargé d'Affaires

<sup>a</sup> February 16, 1843. The imperfect copy in the archives indicates that Smith was to be empowered to treat with any other European government; but the letter from Jones of the same date shows that the commission simply made him *chargé* to Spain. He had the same office for England and France already.

<sup>b</sup> February 16, 1843. See Jones to Smith, of the same date. The copy kept for the archives consists of only a few words with which the letter begins, together with the address and the signature.

but is also accredited to Belgium and the Hanse Towns. It was the intention of the President to have accredited you to Belgium, but as he concluded to send Mr. D to Holland it was concluded best to divide the field and the labor between you, Our relations with France and England are of the most interesting and important character at the present time, and should Spain open the door to negotiation it was believed that your duties as the representative of Texas to these three powers, would require all your time, and be sufficiently arduous to engage your entire attention.

I enclose you herewith Gen A. Sommervell's official report of the late Campaign made by him<sup>a</sup> which with my former communications will put you in possession of all the facts in relation to that affair. Since the President has seen the Articles of Capitulation under which Col. Fisher and his men surrendered at Mier his hopes for the safety of those unfortunate men have been much weakened.

It is with extreme regret I inform you that serious opposition exists in the Senate of the United States to the ratification of the Treaty concluded by Mr. Riley in August last.<sup>b</sup> This opposition it is believed has received much of its force from the infamous course pursued by some of our own newspapers in vilifying and abusing the country its institutions and character and misrepresenting the actions of the Govt. I allude to the "Galveston Times" the "Morning Star" and "Houston Telegraph." The malign influences of these slanders will no doubt reach Europe. I hope and trust however you will do every thing in your power consistent with the most perfect propriety to counteract the falsehoods uttered and circulated through these vile channels, or by other means and to disabuse public opinion in regard to this country and its institutions

The licenceousness of this portion of the newspaper press gives cause of deepest mortification to every friend of decency and good order here, and leads them frequently even to doubt whether this licentiousness is not a greater curse to the country than the liberty of the press is a blessing. Certain it is that incalculable injury has been done to our cause by the course the Editors of these papers have pursued at this moment of peculiar national embarrassment.

The friends of Texas however must not for a moment despair, for she will assuredly triumph over all her foes external and internal. A contract having been consummated with Messrs Carroll, Converse, Mercer, Mawe and Stukely for colonizing not exceeding ten thousand families and the President having granted those gentlemen a tract of land on Red River, comprising the former grant to Peters, Carroll and others and extending in all 164 on Red River and running South from said River 100 Miles, these gentlemen have again applied for an extension of their limits. It is the intention of the President only

<sup>a</sup> Sommervell to Hill, February 1, 1843. See Calendar of Correspondence with Mexico.

<sup>b</sup> See Correspondence with the United States in Part I, pp. 622-628.

to grant this extension upon satisfactory assurances that the parties are proceeding *bona fide* in carrying out the provisions of the contract for colonizing the grant already made. You will probably have it in your power to ascertain the measures they are taking for this purpose and I rely upon you for the necessary information, to enable the President to take proper action in the premises.

The present policy of the government towards Mexico is to stand on the defensive. This policy has been strictly pursued, as far as practicable and will be continued. Texas has not the means necessary to carry on offensive operations against her enemy. The late Campaign under Gen Somerville was not projected or recommended by the President. It was merely *sanctioned*, to satisfy popular clamor, and as the volunteers under him wished to cross the Rio Grande, and were determined to do so right or wrong, to clothe the expedition with legal authority, that in case it was unfortunate and our citizens should fall into the power of Mexico they could not be regarded or treated by that power otherwise than as lawful belligerents, acting under the sanction of their Government.

I have the honor to be  
with great regard  
Your ob svt

signed ANSON JONES

P. S. Mr Van Zandt having been instructed to communicate to you the answer of the United States to the proposition for that Govt. to unite with France and England in a concerted action of the three Govts in endeavoring to establish a peace between Texas and Mexico, you will please communicate the same to the governments of France and England so soon as it is received. I am in daily expectation of hearing from Mr. V. Zant in relation to this matter

signed ANSON JONES

SMITH TO LA ROSA.<sup>a</sup>

(Copy)

Ashbel Smith to the Spanish Ambassador.

LEGATION OF TEXAS, PARIS

February 1844

To His Excellency

MARTINEZ DE LA ROSA

Ambassador of Her Majesty the Queen of Spain  
etc. etc. etc. etc.

SIR,

I have the honor to present to your Excellency a confidential note recapitulating the substance of the observations I made in our interview of yesterday.

<sup>a</sup> Transmitted with Smith to Jones, February 26, 1844. See Correspondence with France.

<sup>b</sup> The letter was written apparently some days before the 26th.

The Government of the Republic of Texas desires to establish with the Government of Her Majesty the Queen of Spain a Treaty of Amity and Commerce.

On the 2d of March 1836, the Citizens of Texas for reasons set forth in their Declaration of Independence, declared themselves forever separated from and independent of the Republic of Mexico. They then organized a Government for themselves, and from that time to the present, a period of eight years, they have held their territory in entire and uninterrupted possession and have exercised therein all the attributes of Sovereignty and Independence in the fullest manner.

Since the defeat of the Mexican Army under General Santa Anna at the battle of San Jacinto and the retreat of the rest of their forces from Texas in the spring of 1836, Mexico has not been able to recover possession of the country nor of any portion thereof. In the mean time, Texas has greatly increased in population and in all the elements of strength. It is moreover conceived that the Mexican Government have virtually acknowledged the Independence of Texas by their proposition made to Texas for the establishment of an Armistice and the appointment of Commissioners to render the armistice definitive and by a subsequent proposition for the exchange of prisoners. These propositions have been acceded to by Texas; and the Texian Commissioners who were appointed in pursuance of the former proposition have been well received in Mexico, though the result of their mission has not yet been made known. Even should this mission prove abortive, which however there appears to be no reason for anticipating, it is plain that Mexico could not hereafter accomplish against the greatly increased and rapidly increasing population and strength of Texas, what it was unable to accomplish in 1836.

The United States of America, France, Great Britain and Holland have by treaties of Amity and Commerce and the establishment of diplomatic relations with the Republic of Texas recognized it as an Independent Power.

In reference to the internal affairs of Texas I may state to Your Excellency, that since the organization of its Independent Government in 1836 no domestic commotion has occurred, nor have any changes been made in its administration except at the times and agreeably to the forms previously established by the Constitution and Laws of the Country.

Since 1836 the population of Texas has augmented several fold. Its products for foreign commerce which at the period just mentioned were almost null, are already considerable and rapidly increasing.

Some commerce has already sprung up between Texas and the Havana. The proximity of Texas and Cuba renders their intercourse with each other prompt and easy; differing in climate and soil, each country produces many articles of commerce needed by the inhabitants of the other. An exchange of the beef and other meats, the cereal grains the live stock and cotton of Texas for the various productions furnished in profusion by Spain and Her Spanish Majesty's Colonial possessions would be highly convenient and profitable to both countries.

By the laws of Texas a discriminating duty is made in favor of the commerce of those nations with which it has treaties.

The establishment of relations by treaty between Spain and Texas would tend greatly to augment their commercial intercourse by placing it on a secure basis; it would give to Spain another source whence to procure objects of foreign production which she may require and open another market to the surplus products of the skill and industry of her subjects; it would moreover strengthen and cement that friendly regard for Spain which the associations of History and numerous objects in Texas are so well calculated to inspire in the minds of its citizens.

It is conceived to be important that a good understanding should exist between Spain and Texas in view of the population of African descent belonging to the two countries. It is believed there is identity of opinion in the two countries on this subject, and that it is the determination of each country to maintain unchanged its institutions affecting this part of its population.

In conclusion I will state to Your Excellency that I am furnished by my Government with plenary powers to negotiate a Treaty of the nature I have mentioned; and it will be a source of gratification to me should this subject meet with your favorable recommendation to the Govt. of Her Majesty the Queen of Spain:—and allow me to add that my satisfaction will be greatly augmented should I have the honor of negotiating with Your Excellency a Treaty which promises advantages to both countries with which we are respectively connected.

I avail myself of this opportunity to offer to Your Excellency assurances etc. etc. etc.

signed

ASHBEL SMITH.

## CORRESPONDENCE WITH PRUSSIA.

DAINGERFIELD TO RATE.<sup>a</sup>

LEGATION OF TEXAS AT THE HAGUE

Berlin 26th January 1845

To L. M. RATE Esqr. *Consul Genl.*

*of Texas at London, No. 15 Bishop Gate Street.*

MY DEAR SIR

I had the honor of addressing you last from Hamburgh on the 15th instant, and of informing you that having brought the affair of the treaty with the Hanseatic Cities, to the only possible termination so long as the question of annexation with the United States shall continue to embarrass it, I had determined to visit the Capital of Prussia.

In the absence of Genl Terrell who I presume has not yet arrived in London, I deem it my duty to keep you advised, of all that may interest the Republic of Texas, in this quarter of the world and to inform you of my actings and doings as regards the advancement of her diplomatic relations.

On my arrival here I addressed myself to Barron de Roenne, formerly Minister Plenipotentiary of the King of Prussia near the Government of the United States and now one of his Majestys Council of State, and President of the Board of Trade and Chamber of Commerce. From my conversations with this Gentleman I became satisfied that Prussia though willing and ready to recognise the independence of Texas, and to establish commercial and diplomatic relations with her, and such a recognition is of great importance as she stands at the head of the Germans Customs Union or Zoll-Verein, would hesitate to do so as long as the question of annexation continued undecided. My only course therefore under these circumstances was to leave the affair in the hands of Barron de Roenne whose good will I effectually conciliated and to request him to keep the question before the Prussian Cabinet untill the question of annexation shall have been finally decided. This his Excellency has promised to do.

The Prince Frederick of Prussia having sent for me, His Royal Highness who is at the head of the Texan-German Emmigration Association, conversed with me at great length on the affairs of the

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<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 117-119.

Republic in which he takes a deep interest. The result of this interview with his Royal Highness was a determination on my part, to occupy the time which must intervene between the present moment and the decision of the question of annexation in visiting Vienna for the purpose of conferring with other members of the German Texan Emigration Society who are there and of propitiating the Austrian Government. I shall consequently leave for Vienna tomorrow and should you receive any communications for me or have any information which you may deem it important to communicate, a letter will reach me at Vienna where I shall remain all the month of February. In case you should have any despatches to forward to me at that place or even in that of private letter from yourself greater safety and certainty will be ensured by requesting to have it placed in the Ambassadors Bag a request which is always most readily complied with. I have the honor to remain Yr most obdt Svt

(signed). Wm HENRY DANGERFIELD

*Chargé d'affaires  
etc. etc. etc. etc.*

DAINGERFIELD TO VON ROENNE.<sup>a</sup>

HOTEL DE RUSSIE BERLIN

January 27th 1845, 10 o'clock. A. M.

To His Excellency

Baron de ROENNE

SIR

The departure of the Carrs this morning at an earlier hour than I had anticipated, deprived me of the pleasure of calling at your office to bid you adieu and to press upon your goodness my strong desire, that you should at such times and under such circumstances as to your Excellency may seem most opportune, bring the Texan question before the Prussian Cabinet; so that should the question of annexation to the U S be decided as it must be before the expiration of the Present Congress and Texas remain as I have strong reasons to think it will, independent, I may find myself in proper train to open negotiations with the Zoll Verrein. I had the honour to express my views to Yr. Excellency on this subject on Saturday eveng at your Excellencys Mansion; your Excellency's thorough knowledge of every thing American and consequently Texan enabled you at once to see all the bearings of the question and you goodness induced you to say that you would do any and every thing in your Power. I shall esteem my visit to Berlin amply compensated if I shall have been able to awaken on the part of Yr Excellency an in-

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 119-120. Von Roenne had been Prussian minister to the United States and now held a place in the Prussian Ministry. Cf. Daingerfield to Rate, January 26, 1845.

terest in the affairs of our Young State and to ensure your Excellencys good offices towards her; Your Excellency will allow me to say that whether seperate and independent, or annexed and hand in hand with her great Sister a luminous path and glorious carreer lies before her. Should your Excellencys numerous and important avocations allow you the time I shall be most happy to receive a letter from you addressed to the care of the Baron de Rothschild at Vienna where I shall remain all the Month of February. Should circumstances justify my so doing I shall revisit Berlin in the Spring. I have the honnour to Remain Your Excellencys most obliged very humble servant

(Signed)

Wm HENRY DANGERFIELD  
*Chargé d' Affaires of the Repub*

*lic of Texas, to the Hague  
and the Hanse towns*

DAINGERFIELD TO TERRELL.<sup>a</sup>

LEGATION OF TEXAS AT THE HAGUE  
HOTEL OF THE GOLDEN LAMB

Vienna 5th February 1845

To Genl GEO. W TERRELL

*Chargé d'Affaires of Texas  
At London.*

MY DEAR TERREL

Yours from London of date the 21st. January <sup>b</sup> in answer to mine of the 14th idem reached me here, at Vienna, the day after my arrival (yesterday). By my letter of date Berlin the 26th Jany to Mr. L M Rate Consul Genl of Texas at London you will have learnt, that finding the pendency of the question of annexation an insurmountable barrier to any immediate action by the Prussian Government I was forced to restrict my operations at that Court to the mere opening of the question of recognition and to limit my present advances, to the initiative step of bringing it under the consideration of the Govt. of his Majesty the King of Prussia, and that rather through the Agency of others than by any direct and personal efforts. In accomplishing this I had the good fortune to secure the very active and efficient aid of his Excellency Baron de Roenne one of the Ministry and President of the Chamber of Commerce. The long residence of this gentleman in the United States of America as Prussian Minister at Washington enabled him fully and at once to understand all the bearings of the question. No doubt whatever exists that if the project of annexation shall fail at the present session

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 126-131.

<sup>b</sup> See Correspondence with Great Britain.

of the Congress of the U. S. Prussia will at once recognise Texas, and consequently grant the usual exequaturs to Such Consuls as may be appointed in her various cities and Sea Ports. At the present moment when so lively an interest exists, throughout all Germany on the subject of Texas it is of infinite importance that men of high character and respectability should be appointed Consuls in order that the numerous enquiries made with regard to her condition resources soil and climate may be properly responded to. Apart from this consideration, the Power and importance of Prussia in a strictly diplomatic point of view is not to be neglected. Standing as she does at the head of the Germany Customs Union or Zoll-Verrein, her good will in a commercial point of view is second to none on the continent of Europe. By virtue of this precedence in the Zoll-Verrein, she exercises a paramount influence over all that part of the Continent from which Texas may expect to derive the greater portion of the capital and population by which her wide spread Prairies are to be brought into cultivation, and covered with a steady industrious and thriving population of German Emigrants, such as have enriched by their capital and their labour Pensylvania Ohio and Numerous other Western States. If to the recognition of Prussia be added that of Austria Texas will have obtained a most important vantage ground, from which she can advantageously exert her efforts to give a direction to the immense amount of capital and labour which is anxiously seeking employment, towards her unoccupied lands, populating and improving them and causing the desert to blossom like the rose. To the great objects of population and capital, my whole study and labour has been directed since I first landed on the shores of Europe. To turn towards the Shores of Texas these fertilising streams I have spared myself neither labour time trouble nor expence. For the advancement of these objects I have not hesitated to take long journeys at the most inclement season of the year, leaving to others the less arduous duties of eating diplomatic dinners and attending Court festivals. By my treaty with the Hanseatic cities the great outlets of Germany have been opened in the most favourable manner, and nothing remains to be done but to give force and impulse to the current which is ready to flow through them. This leads me naturally to the very gratifying portion of your letter, in which you assure me in terms dear to my heart of the continued confidence and good will of the authorities at home towards me. I thank them for the favourable light in which they have been pleased to regard my efforts and you for the very aimiable manner in which you have made those sentiments known to me. All I ask is to be permitted to continue those efforts and to receive at the hands of the Texan Governt that support and encouragement which is due to the public officer, who is known to have discharged his duty.

Considering you from the importance of your position as at the head of our Diplomacy in Europe, I shall for that reason, and in obedience to my instructions in that regard make my communications to the Govt at home through you and I shall expect to be advised by you in turn of all that it may be important for me to know. I shall remain here some months continuing that personal and epistolary communication with the very many influential persons here who take a deep interest in Texas, to keep alive encourage and promote which has been the great object of my diplomatic labours. The last accounts from Mexico shew Santa Annas power to be irretrievably lost. What a contrast between the annarchy of Mexico and the order of our own dear country by whose infant cradle you and I my dear Terrell have sat as anxious watchers. The infant is rapidly strengthening into matured womanhood and we will soon have the proud satisfaction of seeing our nursling stand erect among her companions of the earth, free glorious and independent, self sustained in that pride of place, which the patience the moderation and the valour of her Sons have won for her. Count Victor Leiningen is here and desires to be remembered to you. Give me in yr next letter as accurate an idea as possible of the true condition of the Colonization affairs of Texas. How long do you remain in London.

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All I ask is to be sustained where I am as I have had strong opposition on the part of the Mexican Govt. which I wish to live long enough, (diplomatically I mean) to overcome. I will come to you as soon as I can get time. God Bless you. My respects to Mr Rate and write me as soon as the Steamer arrives.

Yrs most sincerely

WM HENRY DANGERFIELD

*Chargé d'Affaires*

*etc. etc. etc.*

To Genl TERRELL, Care of L M Rate, Texan [Consul,]

*etc. etc. etc. No 15 Bishop Gate St. London*

N. B.<sup>a</sup> I wrote agen to Genl Geo. W Terrell on the ninth of March 1845 from Vienna and directed my letter to the care of L M Rate Esqr. Texan Consul Genl at London No 15 Bishop Gate Street London. In this last letter I stated to him my intended departure from Vienna for Triest to make some arrangements for a Consul for Texas at that Port.

<sup>a</sup> The matter omitted concerns the personal relations of Daingerfield and Terrell and the appointment of Smith as Secretary of State of Texas.

<sup>b</sup> What follows is a note in the record book made by Daingerfield long subsequent to the date of his letter to Terrell which precedes it. It should be remembered that, as stated in the introduction, Book 55 of the Records of the Department of State is the original book of the legation to the Netherlands, in which Daingerfield's correspondence, whether relating to one country or another, was copied.

CORRESPONDENCE WITH BELGIUM.

COMMISSION OF HAMILTON AS DIPLOMATIC COMMISSIONER OF TEXAS  
TO THE NETHERLANDS AND BELGIUM.<sup>a</sup>

LIPSCOMB TO HAMILTON AND BURNLEY.<sup>b</sup>

HAMILTON TO LIPSCOMB.<sup>c</sup>

BRUSSELS BELGIUM *Septr 10th 1840*

SIR,

I have had the honor to receive your dispatch of the 9th July, addressed to my colleague and myself. Since my last respects I have so far concluded my treaty with the Government of the King of the Netherlands to have left the project of the treaty in the hands of the King. I am promised a conclusion of my negotiation on the 15th Inst. for which purpose, I shall leave this for the Hague tomorrow. I beg leave to report that I have been favorably received by the Government of the King of Belgium, and that Texas has been in point of fact recognized by the Minister of foreign affaires having authorized the Minister at the Court of St James at London to conclude a treaty with me on the basis of perfect reciprocity.

I shall repair to London on the 20th for the purpose of opening this negotiation, which cannot fail to have a powerful influence on the Government of Great Britain. Indeed I have every hope and prospect of obtaining the early recognition of England, whether Mr Treat succeeds in his Mission or not, as the difficulties in Holland will be removed by the recognition of that Government. I think that in Octr Mr Burnley and myself may bring the Loan forward under favorable auspices. This must however depend on the question of War in Europe and the continuation of pacific advices from Texas in regard to your relations with Mexico. If you neither invade nor are invaded, and the difficulty between England and France is adjusted (which is altogether probable) we I think will either negotiate the whole loan or obtain an advance on the Bonds. On my arrival in England and by the Steamer of the 1st. October I will give you a

<sup>a</sup> April 18, 1840. See Correspondence with the Netherlands.

<sup>b</sup> April 18, 1840. See Calendar.

<sup>c</sup> See Records of Department of State (Texas), Book 41, pp. 419-420.

full report of all my proceedings and a sketch of our plans for consumating our object; I mean the financial part of it with the least possible delay. There has not been one moment in which if we had failed in Holland or England, in which we could have hoped for success in France, from the entire absorption of the attention of the Government in the affairs of the East since the adjournment of the Chamber of Deputies. But in the event of our not succeeding in Holland and England, we shall repair to France and in combination with this Government (Belgium) execute a plan which will I think inevitably give us the money. But this must be a last resort, as our success could only be purchased by the concession of commercial advantages which only ought to be accorded in the event of England's refusing to recognize. I perceive with the highest satisfaction that the President still adheres to the policy of taking no part in the factions and internal commotions in Mexico. The adherence to this policy for a short time longer, must place the means in our hands of commanding success.

Present my respectful salutations to him, and be assured Dear Sir of the high esteem, with which I am Respectfully Your Obt Servt.

J. HAMILTON

Hon.

A S LIPSCOMB

*Seory. of State.*

HAMILTON TO LIPSCOMB.<sup>a</sup>

LONDON January 4th 1841.

SIR.

Since my last respects to you, I beg leave to inform you that I have visited Brussels for the purpose of signing the Treaty which I had partially negotiated in this place with the Belgian Minister.

The Government of Belgium insisted on a discriminating reduction of 2/5 of the duties on Linens, woolen and other cloths, and Fire arms as a set off, as they assured me for the discriminations which Texas had made in Her Treaty with France. As I was privy to the formation of that Treaty, when concluded in Paris, and supposed as a matter of course that it contained none of these discriminations, which I knew Gen Henderson had firmly and steadily resisted, I denied the fact alledged, and said that all the favor Texas had granted France, was to take off the duty on French Wines by a proclamation of the President issued after the ratification of the Treaty. I felt strong in assuming this ground, with the Treaty in my pocket.

On my arrival at Brussels, I leave you to judge my surprise and mortification when I found that the Minister for foreign affairs of

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<sup>a</sup> See Records of Department of State [Texas], Book 41, p. 454.

Belgium, had been furnished from Paris, with a copy of the Treaty as ratified at Austin, which under the 17th article contained discriminations in favor of France, on the important articles of silk and Brandy, although the Treaty as published in the Galveston paper as ratified contains no such clauses.

I can only infer that Mr. Saligny persuaded the Government of Texas to grant these favors, against which you will do me the justice to say, I earnestly protested, and warned the Government of Texas against the policy of granting these discriminations, in my letters from Charleston February last, without a fair and stipulated equivalent.

It is a most fortunate circumstance that these after inserted clauses in the Treaty were unknown to me prior to the conclusion of my Treaty with the Netherlands and Great Britain, or I should never have obtained a Recognition from either power without reductions of the duty on articles suited to the productions, which would have brought your tariff down to a *caput mortuum*.

As these were voluntary concessions made to Mr. Saligny for the benefit without a shadow of an equivalent, I presume of his government, he confirmed by the strongest assurances, Marshall Soult's pledge to aid me in the negotiation of our loan. I will go to Paris next week and see what his pledge is worth. Previous to this period such a visit would have been fruitless, as the Noble Veteran was out of power, and Paris itself almost in a revolutionary ferment. Whether the French Government can do anything, is exceedingly problematical in reference both to the power of the Executive under the charter to pledge the faith of the Government, and next with an immense Loan, which France has to Negotiate for her own wants, whether she will have, either the disposition or ability to aid us.

As Texas is now bound by a Treaty for eight years, without an equivalent, to grant these stipulations to France, in common parlance we have paid for the Horse before its delivery, and must now trust to accident for a just compensation for these <sup>a</sup>. I hope however in the next fifteen days to effect a negotiation here, which will supersede all necessity for making an appeal to the French Government.

The sequel of my negotiations with Belgium is briefly told. I refused to extend so injurious a principle to Texas, as to grant special favors without a just equivalent, and therefore declined signing the Treaty, altho the Minister of foreign affairs abated his claim on all the articles except Linens and Fire arms, and I believe would at last have been satisfied if I had given a paltry discrimination of 2/5 on Linens, but with the recognition of England, I did not conceive that Texas was in the condition to purchase the favor

<sup>a</sup> Here occurs a blank in the record.

of any Nation, by impolitic concessions which would lead to incalculable mischief throughout the whole foreign intercourse of a commercial Nation.

Nothing could have been more unfortunate than the discriminations you have granted in favor of France, as they have established a precedent we must eradicate with the least possible delay. If France had negotiated our Loan, or endorsed our Bonds, we should have had a fair equivalent, to which no other country could have taken exceptions.

In view of acting on Spain in regard to the Trade with Cuba, I would recommend instantly the imposition of a discriminating duty of 50 per cent ad valorem, on the productions of all nations that have not recognized your Independence.

Referring you to my private letter to President Lamar<sup>a</sup>—and to Mr Burnley in person for information both financial and diplomatic, I have only time in conclusion to assure you [of] the great consideration and esteem, with which I am very Respectfully

Your Obt Servt.

J HAMILTON

Hon. ABNER S. LIPSCOMB  
Secy of State etc. etc.

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HAMILTON TO SECRETARY OF STATE [ROBERTS].<sup>c</sup>

[Confidential]

LONDON Nov. 3d. 1841.

SIR,

Referring you to a letter I have addressed this day, to the Secretary of the Treasury, in reference to my *financial*, I beg leave to write you a line in relation to my *diplomatic* negotiations.

I take the occasion to inform you, that it is highly probable, from the arrangements I have made with the Belgian Government, our relations with that Country will become *intimate* and of a highly profitable character.

In this state of things, it becomes important that Texas should be cautious how she enters into the complication and commitments of the Mexican Republic, by taking sides with either of the parties. Such a course would I fear prevent my completing any beneficial compact with Belgium, the basis of which I may now have formed. I do not pretend at this distance to express any opinion, on the policy of such a step, I only speak of its consequences in Europe which would be destructive of the public credit. Whether the Federalists,

<sup>a</sup> The reference here must be to some letter to Lamar written near the same date as this to Lipscomb. No such letter has been found.

<sup>b</sup> Here is omitted a brief postscript referring to McIntosh's financial affairs.

<sup>c</sup> See Records of Department of State (Texas), Book 41, pp. 589-590.

or Centralists of Mexico, are to be trusted, or whether those whom you might help might turn upon you in the hour of good fortune, and whether within the secure limits of your own territorial locality the best interests of Texas would not be consulted by standing on the defensive, and nourishing her resources, are questions I am sure, which those more competent to decide them than myself, have maturely considered.

I would reiterate privately, again the expediency of not sending the Convention for the suppression of the African Slave Trade to the Senate, until my arrival. There are several considerations of policy which concur to make this eminently expedient. As I shall have to return to Europe, with the Belgian Commissioner in March, I desire without salary or emolument, to retain my commission as Plenipotentiary to the Court of St. James, until I have exchanged the ratifications of my Treaties with G. B. and closed my negotiations with Belgium.

I have the honor to remain,  
Very Respectfully  
Yr. Obt.

J. HAMILTON.

The Hon.  
The SECRETARY OF STATE  
*Austin.*

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JONES TO PIRSON.

REPUBLIC OF TEXAS

DEPARTMENT OF STATE

*Austin March 4th 1842*

To Captn VICTOR PIRSON,  
*Commissioner of his Majesty,*  
*the King of the Belgians.*

SIR,

As you informed me in a recent personal interview with which you favored me that you were about to leave this country on your return to your own, I avail myself of this opportunity, to express the pleasure which it has given the President as well as myself, to have received you as the Commissioner of his Majesty the King of the Belgians. The proof of the regard towards this Republic, which his Majesty has given in accrediting in this capacity to Texas, one who in his personal intercourse has been so acceptable as yourself, is warmly appreciated by this Government.

Should your Mission result in confirming established relations of amity and commerce between Texas and Belgium, and in facilitating the negotiation of a treaty for these objects between the two countries,

the best interests of both will I am satisfied have been most materially subserved by you. It is the wish of the President as early as possible to renew negotiations with his Majesty the King of the Belgians for the conclusion of such a Treaty, and should his Majesty entertain corresponding dispositions, I confidently trust it will be accomplished without unnecessary delay.

Be pleased, Sir, to make these sentiments known to the Government of his Majesty on your return home, and accept the assurances of the very high respect

with which I have the honor to be

Sir,

Your Most Obedient  
and very humble servant

ANSON JONES

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JONES TO DAINGERFIELD.<sup>a</sup>

[Instructions to Daingerfield as *chargé d'affaires* to the Netherlands, Belgium, and the Hanse Towns]

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JONES TO DAINGERFIELD.<sup>b</sup>

[Instructions as to negotiation of commercial treaties between Texas and Belgium and Texas and the Hanse Towns.]

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DAINGERFIELD TO JONES.<sup>c</sup>

NEW YORK May 16th 1843.

To Hon ANSON JONES

*Secretary of State etc.*

SIR

I have the honour to inform you that after many delays and difficulties of a private and most unexpected nature I am at last about to sail this day in the Packet Ship Sylvie de Grafte for Havre. Yr Department is previously advised of the receipt at the legation in Washington U. S. of the several powers and instructions, in reference to the affairs of the kingdom of Belgium and the Hanse towns. I have endeavoured by every mode in my power to smooth the way for the fullest accomplishment of the objects with which I have been honoured by being entrusted—and it shall be my study strictly to follow the instructions of the State Department. From the Belgian Minister at Washington Mr Serruys I received every possible kindness and facility, tendered I believe not only by reason of his good dispositions toward our country but from feelings of personal friend-

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<sup>a</sup> January 20, 1843. See Correspondence with the Netherlands.

<sup>b</sup> February 20, 1843. See Correspondence with the Hanse Towns.

<sup>c</sup> A. L. S.

ship and kindness towards yrself, to whom he begged to be most kindly remembered. From him and from other quarters I have received such letters as will greatly facilitate my affairs abroad.

Hoping that you will do me the favr to present me most kindly to his Excellency the President, with renewed expressions of high regard I remain very respectfully

Yr most humble Svt

Wm HENRY DAINGERFIELD  
*Charge D Affaires etc. etc.*

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DAINGERFIELD TO ALVIELLA.<sup>a</sup>

BRUSSELS, HOTEL DE BELLEVUE

*December 14th. 1843*

To His Excellency, Lieutenant  
Genl. Count GOBLET D'ALVIELLA;  
*Minister of his Majesty the King  
of Belgium, for Foreign Affairs.*

The Undersigned Chargé d'Affaires of the Republic of Texas at the Hague has the honour to inform His Excellency the Minister of Foreign Affairs, Count Goblet d'Alviella, that he is the bearer of a letter of credence from the Secretary of State of the Republic of Texas addressed "To His Excellency the Minister of Foreign Affairs of the Kingdom of Belgium" and that he awaits the pleasure of his Excellency as to the time at which it would be most agreeable to receive the communication just alluded to. The Undersigned avails himself of this opportunity to express to his Excellency Lieutenant Genl Count Goblet d'Alviella the sentiments of his most distinguished consideration.

(Signed).      Wm HENRY DAINGERFIELD  
*Chargé d'Affairs of  
the Republic of Texas  
at the Hague*

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ALVIELLA TO DAINGERFIELD.<sup>b</sup>

[Makes an appointment for the interview asked by Daingerfield in his letter of the same date.]

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MINISTER OF FOREIGN AFFAIRS OF BELGIUM [ALVIELLA] TO DAINGERFIELD.<sup>c</sup>

[Makes appointment for an interview with Daingerfield.]

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<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 62-63.

<sup>b</sup> December 15, 1843. See Records of Department of State (Texas), Book 55, p. 63. The date given is December 15, 1844, but this is evidently an error of the copyist.

<sup>c</sup> December 28, 1843. See Records of Department of State (Texas), Book 55, p. 65.

CORRESPONDENCE WITH THE NETHERLANDS.

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COMMISSION OF HAMILTON AS DIPLOMATIC COMMISSIONER TO THE  
NETHERLANDS AND BELGIUM.<sup>a</sup>

[To secure recognition of Texas, and conclude commercial treaties with these two countries.]

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COMMISSION OF HAMILTON AS DIPLOMATIC COMMISSIONER TO THE  
NETHERLANDS.<sup>a</sup>

[To secure recognition of Texas and conclude a commercial treaty with the Netherlands.]

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HAMILTON TO LIPSCOMB.<sup>b</sup>

HAMILTON TO LIPSCOMB.<sup>c</sup>

LONDON July 3rd 1840

(Private)

MY DEAR SIR

We wrote the Secretary of the Treasury by the Queen of our financial progress. I now write to urge you, to send me letters of credence to treat with the King of the Netherlands for recognition and a Treaty of Commerce. This may be essential to a part of our Loan in Holland. Keep every thing quiet at home, avoid if possible invasions Indian Massacres and domestic Commotions, and we will succeed in all matters before many weeks.

with high esteem

Very Dear Sir

Respectfully your Obt Sevt

J. HAMILTON

Hon

Judge LIPSCOMB

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<sup>a</sup> April 18, 1840.

<sup>b</sup> June 6, 1840. See Calendar.

<sup>c</sup> This is one of a series transmitted from the Department of State to the House of Representatives of the Republic of Texas on November 16, 1840. It has been found in no other form. The remainder of the series are published in *House Journal*, 5th Tex. Cong., Appendix, pp. 277-293.

HAMILTON TO LIPSCOMB.<sup>a</sup>HAMILTON TO LIPSCOMB.<sup>b</sup>LIPSCOMB TO HAMILTON.<sup>c</sup>

DEPARTMENT OF STATE  
REPUBLIC OF TEXAS  
15th. September 1840

To Hon JAMES HAMILTON  
SIR

Agreeably to your request, of the 6th June, but just received, the President has directed me to forward a commission authorizing you to form a Treaty, with the King of Holland. I have no special instructions to give you, in relation to the provisions of such Treaty as you may be able to make; but depend on your sound judgment and known prudence.

I have the honor to be with  
great Respect Your obt. Servent

ABNER S. LIPSCOMB

COMMISSION OF HAMILTON TO TREAT WITH HOLLAND.<sup>d</sup>

[Empowering James Hamilton as commissioner or agent to negotiate with Holland concerning commerce, navigation, and amity.]

TREATY OF AMITY, COMMERCE, AND NAVIGATION BETWEEN TEXAS AND THE NETHERLANDS.<sup>e</sup>HAMILTON TO LIPSCOMB.<sup>f</sup>

LONDON Octr 3rd 1840

SIR

Since my last letter to you, I have the honor to report my having concluded and signed a treaty with the Government of the Netherlands recognizing the Independence of Texas, on the 18th Ult. This convention is founded on the basis of the most perfect reciprocity,

<sup>a</sup> July 28, 1840. See Calendar. The copy in the archives varies slightly in expression from that of the printed copy.

<sup>b</sup> September 1, 1840. See Calendar.

<sup>c</sup> September 15, 1840. See Records of Department of State (Texas), Book 38, p. 157.

<sup>d</sup> September 15, 1840. See Records of Department of State (Texas), Book 38, pp. 150-151.

<sup>e</sup> September 18, 1840. See Gammel, *Laws of Texas*, II, 905-912. The original is in English and Dutch in parallel columns, with the autograph signatures of J. Hamilton and Verstolk van Soelen. The treaty was transmitted with Hamilton to Lipscomb, December 3, 1840, in Correspondence with Great Britain. There is in the archives an engrossed copy presented by the government of the Netherlands to that of Texas, when ratifications were exchanged, which is bound in velvet. It is signed by King Willem, and the signature is attested by van Soelen.

<sup>f</sup> See Records of Department of State (Texas), Book 41, p. 420.

and is calculated most beneficially, to promote the freedom of trade in all respects. I am happy likewise to add, that I am now treating with the Minister of the King of Belgium at the Court of St James, which Government has authorized its Minister here to open the negotiation at this place.

I shall in the course of a few days, have an interview with Lord Palmerston and entertain a sanguine hope of procuring likewise the valuable and important recognition of the Government of Great Britain Whatever treaties I conclude shall be sent home for ratification by Mr Burnley. Referring you to our letter to the Secretary of the Treasury for advices in relation to our financial negotiations, I have the honor to remain Sir, with great esteem, Very Respectfully yr. Obt Servt

J. HAMILTON

The Hon.

ABNER S. LIPSCOMB

MAYFIELD TO MINISTER OF FOREIGN AFFAIRS OF THE NETHERLANDS.<sup>a</sup>

[Asks credence for James Hamilton as diplomatic agent of the Republic of Texas to the Government of the Netherlands, with authority to exchange the ratifications of the treaty made between the two governments.]

JONES TO DAINGERFIELD.<sup>b</sup>

DEPARTMENT OF STATE,  
Houston, March 26th. 1842.

To the Hon.

Wm. HENRY DAINGERFIELD,  
etc. etc. etc.

SIR,

Enclosed herewith, I send you a properly authenticated copy of an order of Blockade this day issued by His Excellency, the President.

You will have the goodness to have the same made public in the newspapers of New Orleans, and inform this Dept. of the day and date of the publication there.

I have the honor to be,

With the highest respect,

Your most Obt. and very humble Svt.

ANSON JONES.

<sup>a</sup> February 12, 1841. See Records of Department of State (Texas), Book 38, p: 162.

<sup>b</sup> See Records of Department of State (Texas), Book 44, p. 53.

## JONES TO HAMILTON.

(Copy.)

DEPARTMENT OF STATE

June 4th 1842

To,

Gen JAMES HAMILTON

SIR,

Enclosed I send you the Commission for Mr. L. J. Herckenrath as Consul of the Republic of Texas for the Port of Amsterdam in the Netherlands—which please forward to him as you may have opportunity. Copies of the “Consular Instructions” and “Laws of Texas” will be furnished him by the Hon. Ashbel Smith from Paris.

The Ratification of the treaty between Texas and the Netherlands has not as yet been received

Your attention in having it sent to this Department as soon as convenient is respectfully requested

I have the honor to be

with the highest regard

Your obt and Humble Svt.

ANSON JONES

## JONES TO DAINGERFIELD.

DEPARTMENT OF STATE

Washington [Texas,] Jan. 20th 1843

To Wm. H. DAINGERFIELD Esq.

*Minister Charge d’Affaires of the Rep. of Texas etc.*

SIR

Herewith you will receive your commission as Minister Chargé d’Affaires of the Republic of Texas to the Governments of the Netherlands, Belgium and the Hanse Towns, with your letters of credence to the two former powers. Similar letters of credence will be furnished you for the Hanse Towns previous to your departure from the United States.

It is the desire of His Excellency the President that you should proceed with convenient speed to New Orleans and so soon as you accomplish the business with which you are already charged at that place, that you will proceed to the city of Washington, and put yourself in communication with Mr. Van Zandt our Chargé d’Affaires at that court. The ratification <sup>a</sup> of the Treaty lately concluded between Texas and the United States is also herewith handed you which you will deliver in person to Mr. Van Zandt, to whom instructions will be sent in relation to the exchange of the same.<sup>b</sup>

<sup>a</sup> By the Texan Senate.

<sup>b</sup> See Jones to Van Zandt, January 31, 1843.

Should you deem it expedient you can delay two or three weeks in the city of Washington, from which place you will proceed to London or Paris, and place yourself in communication with Dr. Ashbel Smith our Chargé d'Affaires at those Courts, and be governed in the time of your delay at those places as circumstances may seem to you to render expedient not exceeding one month.

Your recent connection with the Government, as one of the Officers of the Cabinet, has made you well acquainted with the details of its affairs and with the views and wishes of the President in all things connected with our foreign relations. You will thus be enabled to communicate to our ministers abroad valuable information on these subjects and more satisfactorily than could be given in writing from this Department, and owing to their position at those several courts, they will be well enabled to communicate to you very valuable information, relative to the course of proceedings etc., which should be adopted by you in carrying into execution the instructions you will receive from this Department, regarding the important and interesting negotiations which the President will confide to you in Europe.

At the expiration of the period above designated you will proceed direct to the Hague and present your letter of credence to the Minister of Foreign Affairs of His Majesty the King of the Netherlands

You will ascertain the views and wishes of that Government in relation to the extension of its diplomatic and commercial relations, and assure it that the President of Texas, would be pleased to receive a representative of His Majesty here, for the furtherance of this object.

You will also suggest the propriety of the appointment by His Majesty the King of the Netherlands of a consular agent or agents for this country for the better protection of Dutch Commerce here. Mr. L. J. Herckenrath was last spring appointed Texian Consul at Amsterdam and his commission forwarded him. The Department has never been advised of its reception, or of the fact of Mr. Herckenrath's having entered upon the discharge of his official duties. You will ascertain the circumstances, and if you deem proper you can apply to the Govt. of his Majesty for the usual Exequatur, if not you will recommend some suitable person to this Department for that office.

You will also receive herewith a Commission for Mr. Joshua J. Crooswyck as Consul of Texas for the Port of Rotterdam upon which you will apply for an Exequatur and when obtained forward it with the Commission to Mr. Crooswyck with the necessary instruction for his government.

Further detailed instructions will be sent you, previous to your leaving for Europe in relation to other matters connected with your mission

You will keep this Department regularly and minutely advised of your proceedings and of every thing of interest which may occur at the courts at which you are accredited

You will also communicate direct with the Texian Charges d'Affaires at the Courts of Great Britain, France and the United States, giving them information of every matter of importance, which may be useful to them, connected with the interests of Texas, connected with your mission.

I have the honor to be etc. etc.

Your most obdt Servant

signed

ANSON JONES

DAINGERFIELD TO SCHIMMELPENNINCK.<sup>a</sup>

[Announces his arrival at The Hague as Texan *chargé d'affaires* and asks an interview.]

SCHIMMELPENNINCK TO DAINGERFIELD.<sup>b</sup>

[Fixes a time for the interview requested by Daingerfield in his note of the same date.]

DAINGERFIELD TO SCHIMMELPENNINCK.<sup>c</sup>

[Asks an audience with the King.]

SCHIMMELPENNINCK TO DAINGERFIELD.<sup>d</sup>

[Fixes time for audience with the King asked by Daingerfield in his note of September 25, 1843.]

DAINGERFIELD TO SCHIMMELPENNINCK.<sup>e</sup>

[Asks exequatur for J. J. Crooswick as Texan consul at Rotterdam.]

<sup>a</sup> September 23, 1843. See Records of Department of State (Texas), Book 55, pp. 22-23.

<sup>b</sup> September 23, 1843. See Records of Department of State (Texas), Book 55, p. 23.

<sup>c</sup> September 25, 1843. See Records of Department of State (Texas), Book 55, p. 24.

<sup>d</sup> September 28, 1843. See Records of Department of State (Texas), Book 55, p. 24.

<sup>e</sup> October 10, 1843. See Records of Department of State (Texas), Book 55, pp. 44-45.

DAINGERFIELD TO SCHIMMELPENNINCK.<sup>a</sup>

[Acknowledges receipt of a note from Schimmelpenninck announcing his retirement from the post of Minister of Foreign Affairs and the appointment of General de La Sanaz to that office.]

CASTRO TO JONES.<sup>b</sup>DE LA SANAZ TO DAINGERFIELD.<sup>c</sup>

[Grants exequatur asked in Daingerfield to Schimmelpenninck, October 10, 1843.]

DAINGERFIELD TO JONES.<sup>d</sup>

## LEGATION OF TEXAS AT THE HAGUE

November 12th 1843

The Undersigned Chargé d'Affaires at the Hague has the honour to state to his Excellency the Secretary of State that since his last despatch of date the 25th of September<sup>e</sup> he has been successively presented to the King, and Queen, of the Netherlands and to the Prince and Princess, of Orange; And that he is in daily expectation of being presented to the Royall Princes Alexander and Henry.

The delays incident to these numerous presentations, have hitherto prevented the Undersigned from visiting Brussels, and indeed he has been carefull, to avoid doing so, too abruptly least<sup>f</sup> he should wound the jealousy which naturally exists on the part of this Government towards that of Belgium.

At the solicitation of the Undersigned his Majesty the King of the Netherlands has granted an Exequatur to Mr Joshua J Crooswick as Consul at the Port of Rotterdam, and an Exequatur has likewise been granted to Mr L. J Herkennrath at Amsterdam. Yr Excellency may reasonably expect that important benefits will result from the services of these two functionaries in making known to the enterprising merchants of Holland, the resources and products of our Country, and in directing towards its ports their shipping which manifests on all occasions a strong desire to enter into commerce wherever a reasonable expectation of success presents itself. Mr

<sup>a</sup> October 16, 1843. See Records of Department of State (Texas), Book 55, p. 36.

<sup>b</sup> October 25, 1843. See Daingerfield to Jones, November 12, 1843.

<sup>c</sup> November 1, 1843. See Records of Department of State (Texas), Book 55, p. 45.

<sup>d</sup> A. L. S.

<sup>e</sup> See Correspondence with Hanse Towns.

<sup>f</sup> Lest.

Herkennrath has shewn great zeal and interest, in the discharge of his duties and at the request of the Undersigned translated into Dutch, and procured the insertion in the Amsterdam Courrant of the 7th Inst, of a letter written from Galveston on the 6th of September to the Editor of the London Times, giving a most flattering account of our affairs both commercial and political and stating that the cotton crop of this present year would reach 90 thousand Bales. The appearance of letters of this character in a journal of such high standing as the Times does much for our cause and the writer who-ever he may be is justly entitled to our thanks. Mr Herkennrath begs me to state to yr Excelley that as long ago as last Januay he acknowledged the receipt of his commission as Consul. He sup-poses his letter to have miscarried.

The Undersigned has furnished both Consuls in this Country with printed copies of Consular instructions. On arriving here the Undersigned found that Mr Herkennrath had at the instance of the Hon Col Ashbell Smith recommended a Mr Barnard to this Govt as Consul for the Port of Galveston. The Dutch Government true to its commercial character regards the office of Consul with great consider-ation. In its own colonies it allows no Consuls but Dutch sub-jects, and has since my arrival here refused to grant an Exequatur to an American; The nomination of Mr Barnard has consequently been laid before the Chamber of Commerce and an objection has been made that he does not speak Dutch; the affair is still pending and the Dutch are never in a hurry.

The embarrassed condition of the finances of this country has served as an excuse to the advocates of Reform to abolish the sepe-rate missions to Sweden Sardinia and Portugal, and to consolidate them with those of Denmark Spain, and Rome. This happening just at the time of the arrival of the Undersigned here, has rendered more difficult the attainment of a Diplomatic Agent for Texas. But the Undersigned does not despair of being able to attain that it at least be put in conjunction with the Mission to the United States.

The Undersigned considers his presence here, at a point central to all those countries which are at present taking the deepest interest in Texas as calculated to procure important advantages to the Republic. France is at present so occupied with the settlement of Algiers that she discourages emigration to any other quarter; Bel-gium has her scheme for the colonization of a large grant in Guate-mala on hand. Yet the Undersigned is convinced from his numerous interviews with General Prisse, the Minister Plenipotentiary and Envoy Extraordinary from that Country, a Diplomatist necessarily of high consider-ation, since he has been entrusted with the adjust-ment of the numerous irritating and delicate questions of limits partition of Debt and commercial intercourse between Belgium and

Holland, that there is a strong desire on the part of Belgium to enter into negotiations with us, and the Undersigned is strongly disposed to beleive that with a reasonable exercise of tact and not too great a manifestation of eagerness on our part that the Belgian Govt may be induced to lend us credit enough to obtain the loan of a million of dollars payable in installments of two hundred thousand dollars running through the term of five years, receiving security for ultimate payment, in lands, and for the present some commercial advantages in reference to its iron its coal its linen and its cloths. But all this requires time and above all the absence of any apparent eagerness or hurry, which is sure to excite suspicion and distrust and is in the opinion of the Undersigned the Rock on which all former efforts at a loan have been wrecked.

Major Pierson<sup>a</sup> who visited our Country on the part of the Belgian Govt. as Capt Pierson,<sup>b</sup> since promoted is a member of the Chamber of Deputies this year from the City of Anvers. The kindly personal relations which were established between the Undersigned and Major Pierson during his visit to Texas entitle him to hope that he will find the Major a warm friend; The Undersigned will visit Brussels as soon as the Chamber of Deputies shall be convened which will be on the 16th of this month.

The Undersigned had the honour to communicate to his Excellency the Secretary of State in his despatch of the 23rd of September last the names and views of the society for the protection of German Emigrants having its headquarters at Mayence.<sup>c</sup> Since then the Undersigned has been informed by Mr Bourgeois, that he has disposed of his concession to the Society but Mr Bourgeois has not communicated to the Undersigned the terms or conditions of the sale

The Undersigned received from Mr Henri Castro a letter dated Anvers the 18th of October informing him that on the 25th the Jean Key would sail from that Port with Emigrants for Mr Castros Colony. Conceiving that as this embarkation was about to take place from a Port in Belgium, the matter came properly under his cognizance the Undersigned deemed it his duty to write to Mr Castro reccommending in strong terms that every precaution should be taken, for properly supplying the Emigrants with necessaries for their support not only during the voyage, but for a reasonable length of time after their arrival in Texas. To this Reccommendation, the Undersigned, influenced by motives not only of humanity but of policy added a *Protest* against Mr Castros sending out any Emigrants which were not so properly supplied. At this Mr Castro

<sup>a</sup> Pirson.

<sup>b</sup> Cf. Jones to Pirson, March 4, 1842, in Correspondence with Belgium.

<sup>c</sup> The date of the letter in which these names, etc., were given is September 25. See Correspondence with Hanse Towns.

became very angry and in answer intimated that the Undersigned was hostile to his scheme, an intimation so absurd that the Undersigned must appolligise for mentioning it. Mr Castro designs as he has informed the Undersigned to despatch two other vessels from the same Port in the present month. Since Mr Castros return to Paris the Undersigned has received a letter from him dated the 6th of November in which he communicates a portion of what he terms his despatch to Yr Excellency, dated the 25th October 1843 fm Anvers—in which he wishes to be allowed for every 120 Emigrants provided Among them each head of a family justifies the possession <sup>a</sup> of 1500 Francs the right to enter 100 thousand Francs in value of goods—for all which I refer Yr Excelley to his letter. He requests me to lay the matter before Yr Excelley which I accordingly do in giving it as my opinion, that such ample inducements would be very efficacious in attracting emigrants and I believe that similar arrangements have been entered into with Guatemala by the Bel-gian Goverment.

The Despatches of the Undersigned of the 23rd of September last were entrusted to the care of Mr Crooswick as these will also be. The Undersigned has received nothing from Yr Excelley since his arrival in Europe but such and so completely full were the instructions confided to him by Yr Excelley at the period of his departure that the Undersigned has not been at a loss for directions in the discharge of his duties

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The Undersigned avails himself of this opportunity to renew to his Excelley the Secretary of State the assurances of his most distinguished consideration

W M HEY DAINGERFIELD  
Charge d'Affaires etc. etc.

To His Excellency

ANSON JONES

*Secretary of State.*

(Duplicata)

ANVERS le 25, 8bre. 1843

A Monsieur ANSON JONES

*Secrétaire d'Etat de la République du Texas*

*à Washington.*

Conformément à mes précédents avis, j'ai l'honneur de vous remettre l'Etat du nombre des Emigrants que j'expédie aujourd' huy

<sup>a</sup> I. e., proves himself the possessor. See the French expression in the inclosed letter from Castro.

<sup>b</sup> Here is omitted a paragraph relating to Daingerfield's salary.

sur le navire Jean Key, Capne. Paun, que j'ai fretté en entier à cet effet. Ces émigrants forment un personnel de 129, tous bons cultivateurs de l'Alsace, province de France renommée pour l'agriculture. Ils sont destinés à aller occuper les terres de la Concession que le Gouvernement m'a faite et je viens les recommander à votre haute protection.

M. E. Martin mon correspondant à Galveston et Ms. Laude et Phiné, mes agents à Sa. Antonio, sont chargés de la direction de tout le monde.

Le 15. novembre, partira également d'Anvers, le navire Henrick, Cape. Audiens avec 140 passagers et ainsi de suite de mois en mois, j'espère, pendant quelque temps.

Dès que mes expéditions de cette saison seront terminées, du moins pour le plus grand nombre, je me propose de me rendre au Texas, afin de consolider ce que j'ai commencé avec tant de peines et de dépenses.

J'espère, Monsieur, que vous verrez dans mes actes une détermination bien arrêtée de accomplir les obligations de mon contrat et qu'en faisant la part de difficultés de toute espèce que j'ai rencontrées, vous m'accorderez une protection relative aux sacrifices que j'ai fait et dans la voie desquels je ne m'arrête pas.

J'ai l'honneur d'être, Monsieur, avec une haute considération,  
Votre très humble Serviteur

Hy. CASTRO

P. S. Il est un moyen simple et efficace de m'aider à placer cette année, mille familles de bons cultivateurs, sur les terres de ma concession, dans le comté de Sa. Antonio de Bexar. Si comme je n'en doute pas le Gouvernement désire cette importation de travailleurs, voici ce que je propose dans le but de m'associer des fabricants disposés à aider mon opération et à la pousser vivement, même pour un plus grand nombre. Ce puissant concours ne pourrait être obtenu qu'en concédant des avantages suffisants.

“ Toutes les fois que pendant l'année 1844, il arriverait au Texas “ un navire, n'importe sous quel pavillon, chargé de 120 passagers au “ moins, tous cultivateurs, bien munis de vêtements, d'instruments de “ travail et dont le chef de famille justifierait de la possession de “ 1500 francs en espèce, avec un contrat de Concession de ma part, “ il me serait alloué franchise de droits pour les marchandises chargées “ sur le dit navire, jusqu'à la concurrence de 100,000 fcs. de cargaison

“ Par ce privilège par le fait [sic], de peu d'importance pour le “ Gouvernement, on s'assurerait de la qualité des Emigrants, de leur “ habileté à mettre en valeur les terres qu'on leur concède et de voir “ des espèces entrer dans le Pays, ainsi que les commodités de la vie “ en plus grande quantité.

"Le Gouvernement pourrait donner ce privilège sous la forme "d'un encouragement donné à chaque passager dans les conditions "voulues et porteur d'un contrat de concession, en exprimant la "limite de 1000 fcs. pour chacun, pourvu qu'on fût partie d'une "expédition entière, composée d'au moins 120 personnes.

"Cette combinaison en excitant l'ambition des manufacturiers, "créerait des ressources aux Emigrants dans ce sens que certains "fabricants enverraient des cultivateurs pour leur propre compte, "en entrant à peu de frais dans une exploitation agricole.

"L'Esprit d'association existe dans certaines limites en Belgique "et l'idée que je viens de soumettre à votre considération m'a été "suggérée par des négociants compétents de cette ville disposés à "aider vigoureusement mon exploitation, si j'obtiens ce que je crois "dans l'intérêt du Gouvernement de m'accorder."

JONES TO DAINGERFIELD.

DEPARTMENT OF STATE

*Washington July 14th 1844*

To the Hon. Wm. HENRY DAINGERFIELD

*Chargé d'Affaires of Texas  
etc. etc. etc.*

SIR,

I have the honor to acknowledge the receipt of the several despatches addressed by you to this Department the last by Mr. Castro, under date of the 20th of April last,<sup>a</sup> and by Mr. Bourgeois of the 22d Idem,<sup>b</sup> together with the Treaty which you have negotiated with the Hanseatic Cities of Hamburg Lubeck and Bremen,<sup>c</sup> all of which are highly satisfactory to the Department.

In accordance with your request leave of absence is granted you for six months, to return to Texas and look after your private affairs It is very desireable that the Treaty with Belgium should be concluded before you leave, and if there should be an immediate prospect of the accomplishment of this object I wish you to stay and complete it otherwise, you can leave and return home, at your own convenience

Enclosed herewith is your Congé with a copy which you will present the Minister of Foreign Affairs of his Majesty the King of the Netherlands at the proper time. It is presumed that no Congee is necessary for the Hanse Towns or Belgium. A simple notification of your leave of absence will be sufficient to them without any further formality.

<sup>a</sup> See Correspondence with Hanse Towns.

<sup>b</sup> See Calendar of Correspondence with Hanse Towns.

<sup>c</sup> See Daingerfield to Jones, April 20, 1844, in Correspondence with the Hanse Towns.

The Books and papers of the Legation you will leave in the hands of some proper person in Holland, perhaps our Consul at Rotterdam, or if you think best you are authorized to appoint a Consul General for the Netherlands, with whom you can leave your archives, and who will act for you in your absence,

I have the honor to be

with the highest respect

Your Most Obt Svt

Signed

ANSON JONES

JONES TO MINISTER OF FOREIGN AFFAIRS OF THE NETHERLANDS [DE LA SANAZ.<sup>a</sup>]

[Gives notice of Daingerfield's leave of absence for six months.]

DAINGERFIELD TO DE LA SANAZ.<sup>b</sup>

[Transmits the commission of John Artz as vice consul for certain ports and requests that the steps usual in such cases be taken.]

DAINGERFIELD TO DE LA SANAZ.<sup>c</sup>

[Acknowledges receipt of a note from de La Sanaz announcing the retirement of Baron Schimmelpenninck from the post of Minister of Foreign Affairs and the appointment of de La Sanaz to that office.]

ALLEN TO DAINGERFIELD.<sup>d</sup>

[Announcing the personnel of the new administration.]

DAINGERFIELD TO RATE.<sup>e</sup>

HAMBURGH 12th. Decr 1844

L. M. RATE, Texan Consul General and Chargé d'affaires  
at London.

The hurried departure of yr. friend Mr Smith from Europe has no doubt caused him to forget that some information as to the name

<sup>a</sup> July 15, 1844. See Records of Department of State (Texas), Book 55, pp. 115-116.

<sup>b</sup> August 1, 1844.

<sup>c</sup> October 16, 1844. See Records of Department of State (Texas), Book 55, pp. 36-37.

<sup>d</sup> December 9, 1844.

<sup>e</sup> See Records of Department of State (Texas), Book 55, pp. 107-108.

of his successor, the time he might be expected to arrive in Europe would not only be agreeable but highly usefull to me, nay almost indispensable for the discharge of my duties at a moment when as I had the honour in a former letter to inform you, Mexico is making the most strenuous efforts to drive me from the field of diplomacy, among the Northern Powers of Europe. You will therefore Sir greatly oblige me by giving me all the details in yr power as to the name of Mr Smiths successor, when he may be expected in London, how long he will remain there etc. etc. Could he come to this City from London the public service would in my opinion be greatly aided and he could then go to Paris by Berlin.

During Mr Smiths abscence I am of course to consider you as Chargé d' affaires of Texas and I would be most obliged to you if in that capacity you would at yr earliest leisure give me not only the information requested above but also any other intelligence you may deem worth of communication Any thing confided to the bag of the English Consul Genl here will reach me in safety.

I have the honour etc.

(Signed)

Wm HENRY DAINGERFIELD

*Texan Chargé d'Affaires*

CORRESPONDENCE WITH THE HANSE TOWNS.

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JONES TO DAINGERFIELD.<sup>a</sup>

[Relative to order of blockade of Mexican ports.]

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JONES TO DAINGERFIELD.<sup>b</sup>

[Instructions to Daingerfield as *chargé d'affaires* to the Netherlands, Belgium, and the Hanse Towns.]

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DAINGERFIELD TO JONES.<sup>c</sup>

GALVESTON Feby 3rd 1843

MY DEAR DR.

The Boat is just leaving and Mr Kaufmans information as to the proper address of the Hanse towns has been delayed by Mr Borden untill the present moment. I have only time therefore to say to you that Mr Kaufman says that the address is "to the Senate of The Free Hanseatic town of Bremen;" and so of Luebeck, Hamburgh and Frankfort on the Maine. Mr Kaufman will perhaps write you more at length by the next boat. I would not write you now but that Mr. Borden seems so anxious as the delay has been caused by his error. I shall leave here on Saturday the the fifth instant. I have only time to add my best wishes for yrself and family.

Yrs most truly

WM HNY DAINGERFIELD

P. S. We arrived here but *an hour or so ago*. No News.

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DAINGERFIELD TO JONES.<sup>d</sup>

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<sup>a</sup> March 26, 1842. See Correspondence with the Netherlands.

<sup>b</sup> January 20, 1843. See Correspondence with the Netherlands.

<sup>c</sup> A. L. S.

<sup>d</sup> February 4, 1843. See Calendar.

JONES TO DAINGERFIELD.

DEPARTMENT OF STATE

Washington Feb. 20th 1843

To Wm. HENRY DAINGERFIELD Esq.

*Charge d' Affaires of the Republic  
of Texas etc. etc.*

SIR

Enclosed herewith I have the honor to transmit you letters of Credence to the Senates of the Free Hanseatic Cities of Bremen Hamburg Lubeck and Frankfort, and a Full Power to treat with the Governments of each of those cities respectively, and also with the Govt. of His Majesty the King of the Belgians, and to conclude Treaties of Amity Commerce and Navigation with them

So soon therefore as you shall have fulfilled the instructions you have already had from this Department, and in the event of a disposition being expressed on the part of the King of the Belgians to establish friendly and commercial relations with Texas, you are authorized to enter into a negotiation of a treaty of Amity Commerce and Navigation, with that Government

The basis of the treaty you will propose should be that of perfect reciprocity, and similar in its provisions generally to the ones negotiated with Holland and France. In the event Belgium should wish to stipulate for a discrimination to be made in the ports of Texas for her manufactures of linen and fire arms, you are authorized to grant the same, but only in consideration of some immunity of equivalent value to Texas.

It is very desireable to establish friendly and commercial relations with some of the Free Hanseatic Cities at as early a period as possible particularly with Bremen and Hamburg between which places and Texas, a considerable trade has been for some time carried on, and from which we have a prospect of deriving a valuable addition to our population by immigration from Germany. The Cities of Lubeck and Frankfort are also of sufficient importance to make it the mutual interest of Texas and those Cities to establish similar relations

You will therefore at the earliest convenient moment put yourself in communication with the Governments of those cities and when received in your official capacity proceed to the effectuation of this object.

You can either agree to a commercial and consular arrangement, convention, or formal Treaty with the Hanse Towns, as may seem most expedient to you and as may be most in accordance with the use and practice of other nations in their intercourse with them.

The basis of perfect reciprocity will be observed by you in all these cases and the Stipulations contained in the Treaties between Texas and the Netherlands or France will be your guide generally in relation to all the details. Some small variations, should circumstances seem to require, not touching the important principles of that Treaty may be made.

In all instances you will request the appointment of Consuls to be made so soon as treaty stipulations are concluded, and recommend suitable persons in Belgium and the Hanse Towns for appointment as such by Texas.

Perfectly aware as I am, of your intimate knowledge of the affairs of Texas, and what will promote its interests, as well as your acquaintance with the wishes and views of the Government in regard to the establishment of the relations, which it is the object of your Mission to secure to Texas, further or more detailed instructions are deemed unnecessary at the present time. Should you have occasion to refer to the department for information in regard to any particular matter concerning which you may need direction it will be immediately furnished you.

I have the honor to be

with the highest respect

Your obt Svt

Signed

ANSON JONES

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MEMORANDUM OF DAINGERFIELD.<sup>a</sup>

Memorandum

FRANCFORT, ON THE MAINE, 9th. September 1843

In accordance with the note of President de Meyer of yesterday, I called on him at 10 A M to day and delivered my full powers from the government of Texas; I expressed to him the desire of my Government to establish friendly relations with the authorities of the free city of Francfort, and to have resident therein a representative who would give direction to the emigration, which under the Patronage of Several of the nobles of Germany was begining to set towards the shores of Texas; I stated to him that the government of Texas was particularly desirous to encourage German emigration as the habits of German emigrants were those of industry & economy and order,—as was evident, from their settlements in many of the most prosperous agricultural districts of the United States, [and] that in order the better to attain this object, my Government would be pleased to appoint some worthy citizen of the good city of Francfort as Con-

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<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 20-22.

sular agent. To this he replied, That he would with great pleasure submit the communications of the Government of Texas to the Senate which would meet within three days, and that he would then, in as short a time as possible, make known to me the answer of that body; That if my affairs required that I should repair to the Hague, [and] he would send the answer of the Senate to that place. I replied that perhaps it would be as well to empower Mr Vincent Rumpff who is the representative of the Hansetowns at Paris to make such arrangements as would be of a General character, in relation to all the free cities of Germany. With this the interview ended.

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MEYER TO DAINGERFIELD.<sup>a</sup>

[Acknowledges receipt of Daingerfield's letter of September 9,<sup>b</sup> 1843, and makes an appointment for the interview asked by Daingerfield.]

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DAINGERFIELD TO MEYER.<sup>c</sup>

[Asks an appointment to deliver communications from Texas to the Senate of Frankfort concerning certain matters of amity and commerce.]

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DAINGERFIELD TO JONES.<sup>d</sup>

THE HAGUE, Sept. 25th. 1843.

SIR

The last communication which the undersigned had the honor to address your Excellency, was dated Paris July 31st. 1843.<sup>e</sup> Immediately after that date he left Paris, and being assured that it was a season when almost the entire diplomatic corps, at the several Courts, were on voyage, a custom which has been more observed this summer than usual, in sequence of the Royal examples of the Queen of England, the Emperor of Russia and the King of Belgium, the last of whom has been absent nearly all the Season, the undersigned determined to pass by Frankfort on the Maine, and whilst he delivered the letters of credence with which he was charged to the High Senate of that City, to give an eye to the movements of a society formed for the purpose of encouraging emigration to Texas, and which rumor said numbered among its members a large portion of the Dukes and Princes of the smaller German States.

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<sup>a</sup> September 8, 1843. See Records of Department of State (Texas), Book 55, p. 20.

<sup>b</sup> Evidently there was a mistake in the copying that accounts for the fact that Meyer's letter is dated on the day previous to the one on which the letter that it answers is dated.

<sup>c</sup> September 9, 1843.

<sup>d</sup> See Records of Department of State (Texas), Book 42, pp. 407-411.

<sup>e</sup> See Correspondence with France.

The letters of credence of the undersigned to the Senate of Frankfort were delivered to the President Frederick de Meyer, who, whilst he received them most graciously, assured the undersigned that Frankfort, though a rich City and the head quarters of the continental Bankers, had but a limited foreign commerce, and that as to all matters, touching this commerce the free city formed part and parcel of what is termed the Zollverein or German Customs union, at the head of which are Prussia and Austria. Of this the undersigned had been previously informed. The Burgomaster promised, however, to lay the matter before the Senate, at their first meeting, which would occur in some weeks, and to send their answer to the undersigned at the Hague, and a mutual understanding was had that although a treaty might not be possible, on the part of the free City, acting as independent and separate from the Customs Union of Zollverein, yet still some such arrangement might be made as would allow of the appointment of Consular Agents by the two Countries. The undersigned is convinced that the appointment of a Consul of high standing and character, on our part, at Frankfort, would be of importance to our country, as the undersigned thinks Your Excellency will perceive that there is a deep and pervading interest taken by the German States in an emigration to Texas, and if that interest which now exhibits itself in almost daily articles in the German Gazettes is fostered into action that the means of that action will be found in Frankfort, the head quarters of the Rothschilds and Batemans and other Bankers, the real sovereigns of Europe. The undersigned finding that nothing further could be done at Frankfort, until some weeks had elapsed, devoted his time to enquiring as to the character, origin, motives and members of the Society, heretofore alluded to, which has its head quarters on the Rhine at Mayence, a City not far from Frankfort. The enquiries of the undersigned resulted in his being informed, that the Society was called "A Society for the Protection of German Settlers in Texas", and consisted of Prince Frederick of Prussia; Land Graff of Hesse Hamburgh, Duke of Nassau, Prince of Leiningen, Prince of Neuwied, the 3 Princes of Solms, The Counts of Leiningen (one of whom has been in Texas), Count Ysenburgh, 2 Counts Boos-Waldeck, (one of whom is now in Texas), Count Leiningen, 2 Counts of Colloredo, Count Hatzfeld, Count of Irier [sic] and Count of Castell. Of this number I had interviews with the Land Graff of Hesse Hamburgh the Duke of Nassau a very wealthy Sovereign, and on the eve of a matrimonial alliance with the Emperor of Russia, Prince Solms (step son to the Duke of Cumberland, now King of Hanover, uncle to Victoria), the Prince of Leiningen (Governor of Mayence) and Counts Castell and Leiningen.<sup>a</sup> During the stay at Mayence of the undersigned, Mr

<sup>a</sup> There are apparently several unnecessary repetitions in this list. For a better enumeration, see Roemer, *Texas*, pp. 20-21.

Bourgeois d'Orvanne arrived from Paris, for the purpose of negotiating a sale of his contract to this society, and as the undersigned was informed, by himself, succeeded in doing so; but as both parties evinced repugnance to the undersigned knowing any thing of their arrangements, he confined himself strictly to giving all the information with regard to Bourgeois' grant, which the Society desired for the purpose of enabling them correctly to understand its position. character of soil, title etc. etc.

The undersigned felt disposed to encourage the purchase, on the part of this Society of the Grant to M Bourgeois, for the reason—The one, that in his, B's hands, it must remain in idle suspension, because of his inability to comply with its conditions, and useless to the Government of Texas, because of its being fettered by the grant; The other because the undersigned deemed it an entering wedge to still further operations, on the part of this association, and an earnest of their intentions and ability to do more. The undersigned finding a reluctance, both on the part of M. Bourgeois and this association, to take him into their counsels, the undersigned contented himself with merely throwing out such remarks, as to the character of the country in which the grant lies, as would afford a correct idea of its advantages, as to fertility and position and possible condition as to former locations. In fine he restricted himself to the performance of what he deemed his duty, so that the members of the association might not hereafter have it to say that they were misled or deceived in the presence and hearing of an accredited agent of the Government of Texas. The undersigned then endeavored to obtain from the active members of the association as accurate an idea as possible of their future plans and intentions, the results of which endeavors were the obtaining a list of the members of the association, the names of which are heretofore given, and a proposition in writing, signed by the authorised agents of the association of which the following is a true copy.

1st. The Society would engage itself (a) to introduce to Texas and to settle there within a certain period of time from twelve hundred upward to ten thousand (10.000) german families and single men or about that number suiting the wishes of the Government (b) to negotiate at suitable terms and with the necessary guarantee of repayment given by the Government of Texas, a loan of one million of dollars to the profit of the said Government (c) to obtain from the respective Governments of Germany the permission for the subjects of the Republic of Texas to import the now products of the country under moderate tolls and customs into the estates belonging to the German customs [union].—(Zoll-Verein)

2. Whereas the Government of Texas on its side would engage itself (a) to yield to the Society a grant in proportion to the number

of emigrants fixed in the contract to be granted and colonised on the same terms and conditions heretofore made with especial regard that all lands not fit for cultivation shall be omitted (b) To allow the society as such besides the free introduction or importation of the property of the single settlers to import free from any charge or custom during a longer period of time to be fixed in the contract productions of Germany to the amount of two hundred thousand dollars per annum. Mentz (Mayence) September the 14th. 1843. Authorised by the Society for protecting German settlers in Texas. (signed Charles Prince of Solms\*, Victor Count of Leiningen, Charles Count of Castell.

With a modification of the arrangement in M Bourgeois's Grant to the end that the lands granted to the settlers under this association should be placed in greater contiguity so that every two alternate sections should be reserved to the Government, which modification is expressed in the introductory remarks to their definite proposition. Such are the arrangements into which this society is desirous of entering, given in their own language and terms without any modification, on the part of the undersigned, who was desirous that they should be left perfectly free in this their first offer to express their own plans in their own way. Of their ability to carry out any contract which they may undertake the undersigned has not the slightest doubt or question. Of their strong desire to enter into some arrangement with his Government he is equally convinced. In submitting these views of this association to your Excellency the undersigned, *at the earnest desire of the association* would respectfully suggest the propriety of his being vested with powers touching this matter, to such an extent and in such form as to your Excellency may seem best.

With regard to the proposed loan of a million of dollars the undersigned is led to believe that the attention of the society was directed towards it by some proposition on the part of M. Bourgeois to transfer to the association the authority granted him by the Republic to make the negotiation.<sup>b</sup> How far the authority is transferrable seems to the undersigned a question? He is convinced that the negotiation of a loan in Europe unconnected with some stipulation which shall grant to the guarantor of its repayment, whether that Guarantor be a society of individuals or a nation, some advantage in trade or some concession of Land, is impossible. Concessions of Land seem to the undersigned more simple and easy in their operation, free from the objection of hazarding a disturbance of the course of commerce and of more easy application to a society of individuals than immunities in trade. An idea has, however, become very preva-

\* And Lord of Braunfels, the founder of the town of New Braunfels, Texas, to which he gave its name.

<sup>b</sup> Cf. note a, p. 1406.

lent in Europe that these concessions are of such easy acquisition in Texas, that they are not considered valuable. If your Excellency shall deem it advisable to empower the undersigned to treat with this German association upon either of the proposed questions of a concession of Land or the negotiation of a Loan, or upon both, the undersigned will gladly bring to the performance of the allotted task all the information and personal influence which it has been his constant effort to obtain and conciliate ever since his arrival in Europe.

The undersigned has not as yet made any direct advance towards the Government of the King of the Belgians, nor towards that of the Hanseatic Cities, with the exception of Frankfort, because upon consultation with the Hon Ashbel Smith, at Paris, it was understood that the chances of an advantageous negotiation with both would be increased by a little delay, not only, by reason of the improving condition of affairs in Texas, but in the United States with which country we are closely identified in the European mind. Another reason for delay, on the part of the undersigned, was his anxiety to obtain from your Excellency more specific instructions, as to how far, in case of a guarantee of our Bonds being offered by either Belgium or one of the Hanseatic Cities, correlative commercial advantages might be offered them.

The undersigned would respectfully suggest that in case he should be authorized to enter into any negotiation with the German Society, heretofore mentioned, and indeed in any event, that he should be provided with letters of credence and full powers to the Courts of Prussia and Austria, both of which exercise a most important influence over all the smaller German States and the former stands decidedly at the head of the Customs Union of Germany of the Zoll-verin. The undersigned is deeply convinced that there is an interest awakened in Germany on the subject of Texas, which may be fostered into the most advantageous results towards that Republic. He is further convinced that the society for the protection of German Emigrants in Texas has the command of very large means, and that their intention is so to conduct their affairs after such a manner as will place the emigrant not as a beggar upon the shores of Texas but [with] all his immediate wants and the means of commencing a farm amply and fully provided for.

The undersigned has received, at the hands of the Hon Mr Christopher Hughes, Chargé d'Affaires of the United States of America, at this Court, every possible courtesy and attention, and on this occasion, as on all others, where an opportunity has occurred, this Gentleman has shown himself the loyal and warm friend of our country. The undersigned attributes his prompt and cordial reception by the Minister of Foreign Affairs, Baron de Schimmelpenninck, and his

early presentation to His Majesty the King of the Netherlands by that functionary, to the part which the Hon Mr Hughes was kind enough to take in preparing and interesting the mind of His Excellency in the affairs of Texas. His Majesty the King of the Netherlands, in his interview with the undersigned, twice alluded to the interest which the Hon Mr Hughes seemed pleased to take in the affairs of our country; and His Majesty seemed to appreciate with pleasure the kindness thus manifested towards us by the Representative of our sister neighbor. The reception of the undersigned by His Majesty was gracious and cordial, and he expressed a sincere desire that the blessings of peace should soon be granted us, in the train of which he had no doubt would quickly follow the amplest prosperity.

The undersigned will endeavor to procure, in obedience to the instructions of your Excellency, the appointment of a diplomatic agent to Texas on the part of His Majesty the King of the Netherlands. But such are the difficulties, of a *pecuniary character* with which the Government finds itself at this moment beset, that the undersigned cannot indulge in any very great hopes of success. The present moment too would not be a propitious one for urging any matter even though it were of minor importance, as both the Office of foreign Affairs and that of Finance are only held by ad interim appointments.

The Undersigned avails himself of this occasion to renew to His Excellency, the Secretary of State, the assurances of his distinguished consideration.

Wm HENRY DAINGERFIELD,  
*Minister Chargé d Affaires*  
etc. etc. etc. etc.

To

His Excellency, ANSON JONES,  
*Secretary of State etc etc etc*  
etc. etc. etc. etc.

DAINGERFIELD TO RUMPF<sup>a</sup>.

PARIS. 5th of January 1844

To His Excellency, Mr.

V RUMPF<sup>a</sup>. *Minister Plenipo. and Envoy Extr.*  
*of the Free cities at Paris.*

The undersigned Chargé d' affaires of the Republic of Texas at the Hague, has the Honour, to inform Mr V Rumpff Minister

\* See Records of Department of State (Texas), Book 55, pp. 65-66.

Plenipo and Eny Extraordiny of the free cities of Germany at Paris, that he the Undersigned is the bearer of letters of credence on the part of the Government of Republic of Texas, addressed to the Senates of each of the free Hanseatic cities of Hamburg, Bremen and Lubeck, and that he had letters of the same Character to the Honourables the Senate of the free city of Francfort on the Maine, which last he had the honour to deliver to the Burgomaster of the city of Francfort in September last; That by these letters the undersigned is empowered on the part of the Govt. of Texas to treat with the Governments of the respective cities above mentioned, which letters the undersigned has by unavoidable circumstances, been prevented from delivering in person, notwithstanding his strong desire so to do, but finding himself in Paris, on other business connected with his Government, and aware of the peculiar facilities which yr Excellency's Knowledge of the English language, and acquaintance with the institutions and commerce of the United States of America, with which those of Texas are almost indentical, would naturally afford, in conducting the desired Negotiation, the undersigned respectfully requests that Yr Excellency would obtain such powers, as would afford the Undersigned the opportunity of conferring with Yr Excellency, on the intended treaty, by the negotiation of which, the already increasing commerce between the respective Countries would be greatly fostered.

The Undersigned avails himself of this occasion to offer to His Excellency Mr V Rumpff, Minister Plenipotentiary and Envoy Extraordinary of the free cities of Germany at Paris the assurance of his most distinguished consideration.

Signed. Wm HENRY DAINGERFIELD

*Chargé d' Affaires de Texas*

*etc. etc. etc.*

DAINGERFIELD TO SMITH.<sup>a</sup>

PARIS 14th February 1844.

Hon. A SMITH *Chargé d' Affaires  
of Texas. etc. etc.*

MY DEAR SIR

I herewith send you for examination a pamphlet, containing the existing treaties between the free Hanseatic Cities and other Countries with which they have diplomatic Relations.

Mr V Rumpff, the Minister Resident of the free cities at Paris with whom I am in communication as to the treaty between those

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<sup>a</sup> See Records of Department of State (Texas), Book 55, p. 67. On the margin is written "No answer received to this note, but a verbal conference."

Governments and that of Texas, thinks that the treaty with Venezuela, or that between the United States and the free Cities, both of which I have turned down in the before mentioned pamphlet, for your examination would either the one or the other suit our purpose. In return I have sent him for *inspection* our treaty with Holland. Will you give me your opinion on the subject, accompanied by any suggestions you may think proper to offer, by tomorrow at 2 P. M.

Yours most truly

(Signed)

(DAINGERFIELD)

DAINGERFIELD TO RUMPF<sup>a</sup>

PARIS 17th March 1844

His Excellency V RUMPF

Minister etc. etc.

MY DEAR SIR

Your note of the 14th inst was handed to me yesterday evening. Your additions to the first and seventh article of the "projet" meet my entire approbation.

As for the 3rd article I am glad that the changes which I had the honour to propose on the 13th instant have had the effect, which in making them I desired to produce, that of showing you that the Govt. of Texas is desirous to treat the Hanseatic Republics, with that liberality which it feels to be due them as the *Pioneers of Commerce* between Texas and the Continental States of Europe; But I must state that when you desire to "limit the stipulation to articles shipped in vessels of the contracting parties," that I cannot consent to the limitation so far as the same is applicable to the exportation of Texas. In the present state of our national Shipping this limitation would be exceedingly inconvenient. I propose therefore to *Strike out* from the third Article the words, in the 2nd line thereof, "by vessels of the Republic of Texas" in other words to make such alterations in said third article as will more clearly appear by the annexed projet of said article which I have the honour herewith to submit. In making this alteration I have the honour to call your attention to the fact that I consent to yr proposed addition of the words "whatever be its origin" which will certainly tend to obviate the possibility of error or misapprehension, and that I have no objection to the restriction of the character of the vessels when applied to all the other clauses of Article third. I have the honour to remain. etc. etc.

Signed, Wm HENRY DAINGERFIELD

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 67-68.

DAINGERFIELD TO RUMPF<sup>F</sup>.<sup>a</sup>

PARIS 27th March 1844

To

His Excellency V RUMPF<sup>F</sup>, etc. etc.

MY DEAR SIR. Your letter of yesterday has been received, and the recommendation of Mr Kulen Kampff as Texan Consul at Bremen by Mr Smidt President of the Senate, shall in proper time be duly attended to.

I am sorry that the "unlucky" "third article" of our Projet, gives you so much trouble; Allow me a single word on the general subject of the Commercial position of Texas, and I will then come to the very matter in question and endeavour to afford you all the satisfaction possible in reference thereto; for certainly the spirit of extreme courtesy and liberality with which you have conducted this negotiation, requires on my part every thing short of a sacrifice of the interests committed to my care.

It is as occupying a position central to both Mexico and the United States that Texas becomes in her Commercial relations a Country of importance to the manufacturing and carrying states of Europe, and had the committee of the Bremen Senate, mentioned in your note of the 26th inst looked upon Texas, as calculated from the advantages of that Position, to hold the Tariffs of Mexico and the U States in check, instead of affording the opportunity and means of their undue and injurious elevation, had they regarded that Republic from its Geographical position and its strictly agricultural character as a Shield to protect, and not as a sword to strike down their Manufactures they would have hit the mark.

This Geographical position, with reference to Mexico is so remarkable as [to] excite at once the attention of the observer. The ports of Texas are much nearer to the rich mining provinces of Mexico than, are the Ports of Mexico herself whilst the character of the Country affords much greater facilities for the transportation of goods, over the level Prairies, from the Ports of Matagorda and Corpus Christi, than through the Mountain ranges which, embarrass the Communication with Tampico and, Vera Cruz. But to return to the 3rd article I am content to restrict its provisions to the exportation through the Hanseatic Cities of the manufactures and Products of the German Confederation, in the vessels of the contracting Parties, 2nd To restrict the exportation from Texas to the Hanseatic Republics of articles not the Growth or manufacture of Texas also to vessels of the contracting Parties, 3rd To leave articles the produce or manufacture of Texas to find their way to the Ports of the Hanseatic Republics in such bottoms as may seem best to the shipper

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 68-70.

thereof, under the General provisions of the treaty as to the most favoured nation. I am quite content that you should put the article in the form which would best express these views, I have the honour to remain etc. etc.

Signed

WM HENRY DAINGERFIELD

*Chargé d'Affaires de Texas.*

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN TEXAS  
AND THE REPUBLICS OF LÜBECK, BREMEN, AND HAMBURGH.<sup>a</sup>

BOURGEOIS TO SECRETARY OF STATE [JONES].<sup>b</sup>

DAINGERFIELD TO JONES.<sup>c</sup>

(Despatch No 3)

PARIS 20th April 1844

To his Excellency

ANSON JONES,

*Secretary of State*

SIR

The last despatch which the Undersigned Chargé d'Affaires of the Republic of Texas at the Hague had the honour to address his Excellency the Secretary of State, was dated the Hague Novr the 12th 1843, and forwarded through Mr Joshua J Crooswick the Consul at Rotterdam. The Undersigned had the honour at the date above mentioned to inform your Excellency, that having fully established the diplomatic relations between the Government of Texas and that of his Majesty the King of the Netherlands, he should proceed to Brussels for the purpose of carrying into effect the instructions with which he was charged as to opening the negotiations for a treaty of amity and commerce with the Government of Belgium. The Undersigned had the further honour at that date to inform Yr Excelley that in his dispatch of the 23rd of September 1843 dated at the Hague he had forwarded to your Excellency a copy of the propositions of the "Society for the Protection of German Emigrants" to Texas."<sup>d</sup> In the same despatch the Undersigned called the atten[tion] of your Excellency to the course which he had pursued in regard to the Emigrants of Mr Castro and therein made known to Yr Excellency the Protest, which he had communicated to Mr Castro ag[ain]st the

<sup>a</sup> D. S.; April 17, 1844. See Daingerfield to Jones, April 20, 1844.

<sup>b</sup> April 20, 1844. See Daingerfield to Jones, April 20, 1844.

<sup>c</sup> A. L. S.

<sup>d</sup> The copy of this letter on record is dated September 25.

character of the Emigrants he was represented to have sent. The Undersigned would now forward another copy of the propositions of the Society for the protection of "German Emigrants" as the Receipt of the former has not been acknowledged, But that, notwithstanding the Rumour which has reached here of a Repeal by Congress of the Law authorising the President to Grant contracts for colonization, the Society above named is still determined to send its agents and Yr Excellecy may expect by the month of July to have a personal interview with his Serene Highness Monseigneur Prince Charles of Solms, and Mr Bourgeois d'Orvanne who will visit Texas as the agents of the Association.

The delays incident to the numerous presentations which are of rigour in Holland and which comprise every member of a very numerous Royall family, detained the undersigned at the Hague untill the early part of the month of December, where shortly after his arrival he was presented to the King and invited to dine at the Palace. In a long interview which the undersigned had with the King his Majesty gave him the most gracious assurances. of his cordial good will towards the Republic and his Desire to entertain relations of amity and commerce with our Country. From the French Ambassador the Marquis de Rumigny and the English Ambassador Sir Hamilton Seymour the undersigned received every attention and courtesy; After remaining at Brussels several weeks the Undersigned became satisfied, that the position of the legislative Chambers of that country was such that the minister, notwithstanding the strong desire of the King, could not at *that moment* enter upon a negotiation with Texas. The Undersignd left Brussels with an understanding on the part of the Minister of Foreignh Affairs, that at no distant period the negotiations should be commenced, and the undersignd is confident that during the ensuing summer the treaty which he is empowered to make with the Belgian Goverment will be concluded.

The Undersigned having from Brussels caused to be made known to Mr Vincent Rumpff the Minister of the free Hanseatic Cities at Paris the desire of the Goverment to enter into a treaty and the great facility which would be afforded in the accomplishment of so desirable an object by his knowledge of the English language and American character derived from his long residence in America, proceeded on the first of January 1844 to Paris, and soon after his arrival put himself in communication with that Gentleman. From that date up to the day of the signature of the Treaty, the 17th of the present month the undersigned has been actively and earnestly engaged in procuring its consummation.

From the difficulty which was experienced in bringing the free cities to accord, the treaty encountered ma[n]y delays, and latterly, the doubt which existed as to the annexation of Texas to the United States occasioned great hesitation and at one period threatened to su[s]pend the negotiation altogether. The Undersigned has now the honour of forwarding to Yr Excellency by the hands of Mr Henri Castro, the accompanying copy of the treaty, which will be found to be in the usual form and to contain the usual stipulations, with the exception of the Articles of Extrajudiction [sic] which was inserted at the request of the undersigned and the article which makes parties to the treaty upon filing an official declaration all the other states of the German Confederation. This last Article was inserted because the Undersigned considered it of importance to Texas for the purpose of promoting emigration, to have the authority to nominate Consuls in the different petty German States. The expence of time and money which a seperate negotiation with each individual principality would occasion to both parties would be an insurmountable obstacle whilst under the article alluded to, the facility afforded by a simple official declaration will be a powerful and efficient inducement for the establishment of commercial relations.

For the Texan Consulship at Bremen under the treaty—Mr Smidt President of the Senate of Bremen highly recommends Mr Julius Kulenkampff partner of the most respectable house of Kulenkampff and brothers. Mr Kulenkampff has on one occasion visited Texas and is also highly recommended by Mr Rumpff, to whom the Undersigned has promised that the name of Mr K as Consul for Bremen should be submitted to the President and he accordingly respectfully requests that it may be done.

The Undersigned would respectfully submit to the Secretary of State, his earnest desire to obtain a leave of abscence for the purpose of returning to the United States and to Texas. The Private affairs of the undersigned by reason of the recent death of a relative in the U States imperiously demand his presence there. By means of a Congee or leave of abscence the missions at the several Courts can be as effectually kept up as though the Undersigned were there present in person. The Consul Generals can be left in charge and all the difficulties and objections incident to an abrupt breaking up of the missions avoided whilst in fact the same result as though they were broken up is produced. The Undersigned would be most grateful could this Congee or leave of abscence be sent him directed to the care of Lorenzo Draper Esqr American Consul No 30 Rue Hauteville Paris by the 1st of August next. If it seem good to the Secretary of

State the congeé might be for six months and would then according to diplomatic usage date from the day on which the Undersigned would take leave of the sovereign.

The Undersigned has the further honour to inform Yr Excellency that Mr. Bourgeois d'Orvanne has as he states to the Undersigned successfully concluded his negotiations in Germany with reference to his project of Colonization. According to his statement he has formed an Association with distinguished personages in that country, which will enable him to direct the whole current of German Emigration upon Texas. He considers and with great reason that the high personal position and ample pecuniary means of all the persons of the Association is an ample guaranty not only for the success of his scheme, but will secure the greatest advantages to the Emigrants. The Undersigned has always deemed the creation of that Association as of the highest importance to Texas, ensuring as it does a numerous active and intelligent emigration, possessed of the requisite means skill and industry to call into full life and vigour the resources of the Country upon which they may locate. Mr Bourgeois d'Orvanne sets out for Texas the 19th of May and he has informed me that he will be accompanied by His Serene Highness the Prince of Solm, with the intention of preparing in advance the places for the location of their Colonists. The Undersigned will not enter into a detail of their plan, but begs to refer Your Excellecy to the letter of Mr Bourgeois which he has requested me to enclose herewith.

The Undersigned took a very active part in the negotiations of this association with Mr Bourgeois, from their very commencement, and he continues to consider their operations fraught with deep interest and profit to the Government and country, and to congratulate himself on the influence which his presence at Mayence last September enabled him to bring in aid of the consummation of the subsequent arrangements which have been entered into.

The Undersigned begs that Yr Excellency would be pleased to accept the assurances of the distinguished consideration with which he remains

Yr Excellency's  
Most Obedt Svt

Wm HENRY DANGERFIELD  
*Chargé d' Affaires of Texas*  
*At the Hague*

To His Excellency  
ANSON JONES  
*Secretary of State*

PARIS 20 Avril 1844.

Monsieur le SECRÉTAIRE D'ETAT

Sans réponse à ma lettre du 1<sup>er</sup>. 8<sup>bre</sup>. dernier, vous entretenant de mes démarches et de mes succès à l'occasion de l'opération financière dont S. E. le Président m'avait chargé, ni à aucune de mes autres dépêches qui y étaient relatives, je ne m'en suis pas moins occupé de cette question délicate. J'avais complètement réussi, lorsque le Message de S. E, sans détruire le résultat de mes démarches, en a arrêté la conclusion définitive. C'est chose ajournée et dont j'aurai l'honneur de causer avec vous, Monsieur le Secrétaire d'Etat, en juin prochain.

Mais toujours vivement préoccupé des intérêts de la République et du développement de sa prospérité, j'ai persévéré dans ma pensée de diriger sur le Texas, une forte population de travailleurs actifs et dont les ressources personnelles et celles de la Compagnie qui les y porte, soient des garanties suffisantes pour les Emigrants et pour le pays; j'ai réussi. J'ai fait avec une Association, composée de la plupart des princes Allemands, un plan de colonisation que nous allons mettre de suite à exécution. Soutenue par les capitaux, mue par des sentiments d'humanité et de philanthropie, cette association per ses principes, ses moyens d'exécution et les mesures qu'elle adopte va réaliser, au profit du Texas, les espérances qu'on s'est toujours formées dans ce pays, et à juste titre, d'une entreprise de colonisation bien conduite et dirigée.

Mon association, formée des hommes les plus éminents de l'Allemagne, a pour but de régler l'émigration Allemande, qui se répand sur le monde entier sans aucun avantage pour personne, parce qu'elle y arrive privée de ressources et d'appui. En la dirigeant sur le Texas, et en la groupant sur cette fertile terre elle a un second but, c'est de créer au profit du commerce de l'Allemagne des marchés assurés, où les produits de l'industrie nationale auront un écoulement certain.

Ces deux grandes pensées, Monsieur le Secrétaire d'Etat, ont pour l'avenir du Texas une portée, dont vous apprécieriez facilement toute l'étendue. Forcément elles donnent à la République de nouveaux et de nombreux défenseurs; elles stimulent son commerce, développent ses ressources agricoles, accroissent ses revenus et préparent un traité d'alliance et de Commerce avec toute l'allemande. Et à cet égard, je me charge d'arriver à la conclusion prochaine de ce traité.

Mon association pour assurer l'exécution de ses projets a toute la force nécessaire, hommes et capitaux. Déjà des inscriptions nombreuses d'Emigrants ont été faites; beaucoup de nos colons ont vendu leurs petits biens pour se rendre sur nos terres; mais commes les

principes de notre entreprise sont fondés sur l'humanité, la morale et les besoins des deux pays; du Texas et de l'Allemagne nous avons résolu de ne point porter un seul homme au Texas, que tous les préparatifs nécessaires pour le recevoir ne soient faits.

Ainsi je pars le 19 mai, accompagné de S. A. S. M. le Prince de Solms, l'un de mes associés, pour préparer les maisons, arpenter les terres, établir les moyens de Communication, créer des Stores dans lesquels les Emigrants trouveront tous les objets nécessaires à la vie et aux travaux agricoles, construire des Etablissements publics et industriels tels qu'Eglise, Ecole, hôpital, moulins à blés, à coton; des scieries etc. Je crois inutile, Monsieur le Secrétaire d'Etat, d'entrer dans plus de détails ici, dans 2 mois j'aurai l'honneur de vous dérouler nos plans et je demeure convaincu que le gouvernement acceptera nos communications avec plaisir. Au moins la République n'aura point à redouter que mon association vienne compliquer ses difficultés, en introduisant des Emigrants sans ressources et sans appui.

Beaucoup de pays neufs énvoient les avantages que nous allons porter au Texas et nous n'aurions qu'à choisir entre les petites républiques du centre, le Brezil, les Etats de la Plata et l'Océanie; on nous offre tous les priviléges désirables; j'ai déterminé mon association à refuser toute proposition; je connais et j'aime le Texas; je me suis voué, par instinct et par amitié pour une partie de ses habitants, au développement de sa prospérité, j'espère que mes peines et mes soins pour atteindre ce but seront bientôt couronnés de Succès.

M. Daingerfield vient de me transmettre la copie d'un bill que lui est tombée entre les mains d'une manière non officielle; il semble par ce Bill, à l'authenticité duquel je crois peu, que toutes nos concessions sont rappelées. Je ne discuterai pas ici la valeur de ce Bill, mais je prendrai la liberté de vous faire observer, Monsieur le Secrétaire d'Etat, que son existence, serait contraire aux intérêts de la République et causerait un préjudice considérable aux contractants. Je me plaît à croire que ce Bill n'a pas été rendu et qu'à mon arrivée à Washington je trouverai le gouvernement dans les meilleures dispositions à mon égard.

Agréez, Monsieur le Secrétaire d'Etat, l'assurance de mon respect et de mon sincère dévouement aux intérêts de la République

Votre très humble serviteur

AL BOURGEOIS D'ORVANNE

P. S. S'il m'était permis d'offrir l'expression de mes sentimens à S. E. M. le Président, je vous prierai Monsieur le Secrétaire d'Etat, d'être près d'elle mon fidèle interprète.

Monsieur le Secrétaire d'Etat de la République du Texas.

CONVENTION<sup>a</sup>

of Friendship, Commerce and navigation  
between  
the Republic of Texas  
and  
the Hanseatic Republics of  
Lubeck, Bremen and Hamburgh

The Republic of Texas, on the one part, and the Republics and free Hanseatic Cities of Lubeck, Bremen and Hamburgh, (each State for itself separately,) on the other part, being desirous to give greater facility to their commercial intercourse, and to place the privileges of their navigation on a basis of the most extended liberality, have resolved to fix, in a manner clear, distinct and positive, the rules which shall be observed between the one and the other, by means of a Convention of Friendship, Commerce and Navigation.<sup>b</sup>

For this most desirable object, the President of the Republic of Texas has conferred full powers on Colonel William Henry Daingerfield, Chargé d'Affaires of the said Republic near the Government of His Majesty the King of the Netherlands; and the Senate of the Republic and free Hanseatic City of Lubeck, the Senate of the Republic and free Hanseatic City of Bremen, and the Republic and free Hanseatic City of Hamburgh have conferred full powers on Vincent Rumpff, their Minister resident near His Majesty the King of the French; who after having exchanged their said full powers, found in due and proper form, have agreed to the following Articles:

## ARTICLE I.

There shall be a sincere and firm friendship between the Republic of Texas and the Hanseatic Republics in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

The inhabitants of the respective countries shall enjoy liberty and security to proceed with their ships and cargoes to all places, ports and rivers where other foreigners are at present, or shall be in future admitted.

It is further agreed, that the vessels of each of the Contracting Parties, respectively, shall have the liberty to touch at several ports of the other Party in succession, to unload the whole or a part of the cargo at any of the respective ports, and to take in the whole or a part of the return freight at any of the ports, completing it in several ports successively.

But it is understood that this article does not include the coasting trade, the regulation of which is reserved by the Contracting Parties respectively, according to their own separate laws.

<sup>a</sup> D. S.—The English and German versions are in parallel columns. This treaty was probably never presented to the Senate of Texas; but the manuscript secret Journals of the Senate for the only Congress elected subsequent to the conclusion of the treaty is missing, and no certain evidence has been found. *Of. Smith to Daingerfield, February 13, 1845.* It was, however, ratified by the Senate of Bremen. See Daingerfield to Allen, July 1, 1845.

<sup>b</sup> There is on file with the correspondence a copy of a resolution of the Senate of Bremen, dated August 9, 1843, with the autograph signature of President Smidt and the impression of the seal of the Republic, by which it is provided that Texan vessels shall be admitted to the ports of Bremen on the same terms, as to port charges and duties, as the ships of Bremen, so long as these enjoy like privileges in Texan ports.

**ARTICLE II.**

The Contracting Parties agree that, whatever kind of produce manufacture, or merchandise, of any foreign country, can be, from time to time lawfully imported into the Republic of Texas, in its own vessels, may be also imported in vessels of either of the said Hanseatic Republics; and that no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in vessels of the one Party, or of the other. And, in like manner, that what ever kind of produce, manufacture, or merchandise, of any foreign country, can be, from time to time, lawfully imported into either of the said Hanseatic Republics in its own vessels, may be also imported in vessels of the Republic of Texas, and that no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in vessels of either of the said Hanseatic Republics or of the Republic of Texas. And they further agree, that, whatever may be lawfully exported, or re-exported, by one Party, in its own vessels, to any foreign country, may in like manner, be-exported or re-exported in the vessels of the other Party. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one Party or the other.

Nor shall higher, or other charges, of any kind, be imposed in the ports of the one party on vessels of the other, than are, or shall be payable in the same ports by national vessels.

**ARTICLE III.**

No higher or other duties shall be imposed on the importation into the Republic of Texas, of any article, the produce or Manufacture of the Hanseatic Republics of Lubeck, Bremen or Hamburgh, or of any article the produce or Manufacture of the other States of the Germanic Confederation, which may be imported from the said Hanseatic Republics, into the Republic of Texas; and no higher or other duties shall be imposed on the importation, into either of the said Hanseatic Republics of any article, the produce or Manufacture of Texas, than are or shall be payable on the like article, being the produce or Manufacture of any other foreign country; Nor shall any other higher duties or charges be imposed by either Party on the exportation of any Articles to the Republic of Texas, or to the said Hanseatic Republics, respectively, than such as are, or shall be payable on the exportation of the like articles to any foreign country; Nor shall any prohibition be imposed on the importation of any Article, the produce or Manufacture of the Republic of Texas, or of the said Hanseatic Republics or of the other states of the Germanic Confederation, which may be exported from the ports of Lubeck, Bremen and Hamburgh, to, or from the ports of Texas, or to or from the ports of the other Parties, which shall not equally extend to all other Nations.

**ARTICLE IV.**

Vessels of the Republic of Texas arriving at, or sailing out of the ports of the Hanseatic Republics; and vessels of the Hanseatic Republics, on their entry in the ports of the Republic of Texas, shall not be subject to other or higher duties of tonnage, of lightmoney, port charges or pilotage, quarantine, or any other affecting the body of the vessel, than those which are paid, or shall be paid, by the vessels of the country itself.

## ARTICLE V.

No priority or preference shall be given, directly or indirectly, by any or either of the contracting parties, nor by any company, corporation, or agent acting on their behalf, or under their authority in the purchase of any article, the growth, produce, or manufacture of their States, respectively, imported into the other, on account of, or in reference to the character of the vessel, whether it be of the one party or the other, in which such article was imported; it being the true intent and meaning of the Contracting Parties, that no distinction or difference whatever shall be made in this respect.

## ARTICLE VI

Any vessel, together with her cargo, belonging to either of the Hanseatic Republics of Lubeck, Bremen or Hamburgh, and coming from either of the said ports to the Republic of Texas, shall, for all purposes of this Convention, be deemed to have cleared from the Republic to which such vessel belongs; although, in fact, it may not have been the one from which she departed; and any vessel of the Republic of Texas and her cargo, trading to the ports of Lubeck, Bremen or Hamburgh, directly or in succession, shall, for the like purposes, be on the footing of a Hanseatic vessel, and her cargo making the same voyage.

## ARTICLE VII

The Contracting Parties agree to consider and treat, respectively as vessels of the Republic of Texas, and as vessels of the Hanseatic Republics of Lubeck, Bremen and Hamburgh, all such, as being furnished by the competent authority, with a passeport or sea-letter, shall, under the then existing laws and regulations, be recognized as national vessels by the country to which they belong.

## ARTICLE VIII.

The citizens of the Contracting Parties shall reciprocally enjoy the most complete and constant protection with respect to their persons and property, as well as to the free exercise of their religion.

They shall be free of all forced military service in the regular army, by land or by sea; no forced loans shall exclusively be imposed upon them, and their property shall be subject to no other charges, demands or taxes than what is paid by the natives of the country itself. But [it] is understood that the present stipulation does not include the service in the militia or the civic guard, in places where the law of the country may extend the service in the militia or the civic guard even to temporary residents, not naturalized by oath of allegiance, after a residence for a period fixed or to be fixed by law.

The citizens of each of the Contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And if in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of five years to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the law of the country.

## ARTICLE IX.

The Contracting Parties agree to receive and admit reciprocally Consuls and Vice-Consuls in all the ports and places open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities which are, or may hereafter be enjoyed by the Consuls and Vice-Consuls of the most favoured nation.

It is agreed that the Consuls and Vice-Consuls may cause to be arrested the sailors being part of the crews of the vessels of their respective countries, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said Consuls and Vice-Consuls shall address themselves to the Courts, Judges and officers competent, and shall demand the said deserters, in writing, proving, by an exhibition of the registers of the said vessels, or ship's roll, or other official documents, that those men were part of said crews; and on this demand being so proved (saving, however, where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls, for the search, seizure and arrest of the said deserters, who shall even be detained and kept in the prisons of the country at their request and expense, until they shall have found opportunity of sending them back. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same Cause. It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

## ARTICLE X.

It is further agreed that the Government of the Republic of Texas and the Governments of the Hanseatic Republics shall, upon mutual requisitions made by their respective Ministers, Officers or Authorities, deliver up to justice all persons, who being charged with the crime of murder or assault with intent to kill, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, or any crime amounting to felony or Grand larceny, shall seek an asylum, or be found within the territories of the other—Provided, that this shall only be done upon such evidence of criminality, as according to the laws of the place where the fugitive shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. And the respective Judges and other Magistrates of the respective Countries shall have power, jurisdiction and authority upon complaint made under oath, to issue a warrant for the apprehension of the fugitive, that he may be brought before such judges or other Magistrates, respectively, to the end, that the evidence of criminality may be heard and considered. And if on such hearing the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining Judge or Magistrate, to certify the same to the proper Executive authority that a warrant may issue for the delivery of such fugitive.

## ARTICLE XI.

In case of average or of shipwreck, the like protection and assistance shall reciprocally be afforded to the vessels of each of the Contracting Parties as are enjoyed by the vessels of the country in which the accident occurs.

All the ships, merchandise and effects belonging to the citizens of one of the Contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried or found in

the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood, that the claims should be made within the term of one year, by the parties themselves, their attorneys, or the Agents of their respective Governments

#### ARTICLE XII.

Should one of the Contracting Parties be at war, it shall be allowed to the citizens of the other to prosecute their commerce and navigation, with the exception only of contraband goods, and of such places as are actually under siege, or are blockaded by belligerent powers with a force adequate to prevent the neutral from entering.

The citizens of neither of the Contracting Parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

#### ARTICLE XIII.

By contraband shall be understood: guns, mortars, fire-arms, pistols, bomb-shells, grenades, shot, muskets, flints, matches, powder, shields, pikes, swords, accoutrements, saddles, bridles, and generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials, manufactured, prepared, and formed expressly to make war by sea or land. Except such quantities of the articles as are necessary for the defense of the vessel and crew.

#### ARTICLE XIV.

It shall be lawful for the citizens of each of the Contracting Parties to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port, to the places of those who may be at enmity with either of the Contracting Parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security from the places, ports and havens, of those who may be at war with the Contracting Parties or with either of them, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the Contracting Parties, although the whole lading, or any part, thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they may be enemies to each or either party they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the Stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only, who recognise this principle; but if either of the Contracting Parties shall be at war with a third, and the other or the others neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

**ARTICLE XV.**

In cases where a merchant ship of one of the Contracting Parties may be searched by a ship of war of the other, it is agreed that the search shall only be made by a boat manned with at most six men, that the master of the merchant vessel shall not be obliged to quit his ship, and that the papers shall not be taken from on board.

If the merchant vessel is under convoy of a ship of war, no search shall take place, and the assurance of the Commandant of the Convoy on his word of honor that the merchant vessel has no contraband on board shall be held sufficient.

**ARTICLE XVI.**

The articles of contraband before enumerated in Article XIII which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the Contracting Parties shall be detained on the high seas on account of having on board articles of contraband, whenever, the master, captain or supercargo of the said vessel will deliver up the articles of contraband to the Captor, unless the quantity of such articles be so great, or of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

**ARTICLE XVII.**

The Contracting Parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other Party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

**ARTICLE XVIII.**

In consideration of the national and political connection existing between the Hanseatic Republics And the other States of the Germanic Confederation, and it being highly important to all the Contracting Parties that the stipulations of the present Convention may as soon as possible extend to all the States of the said Confederation, it is further agreed that in case one or more of the said States should be disposed to adhere to the present Convention with the Republic of Texas, the accession to it shall always be left free and open to them, either under the form of a distinct Convention; or only by means of an exchange of official Declarations. And it is understood that the said acceding Powers shall be placed, for all the intents and purposes of the present Convention, on the same footing as the Hanseatic Republics, and that they shall enjoy the same advantages and privileges, being subject to the same conditions, stipulations and obligations.

**ARTICLE XIX.**

The present Convention shall be in force for the term of twelve years, from the date thereof, and further, until the end of twelve Months after the Government of the Republic of Texas, on the one part, or the Hanseatic Republics of

the Lubeck, Bremen or Hamburgh, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the said Contracting Parties reserving to itself the right of giving such notice to the other, at the end of the said term of twelve years; and it is hereby agreed between them, that at the expiration of twelve Months after such shall have been received by either of the Parties from the other, this Convention, and all the provisions thereof, shall altogether cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed, that if one or more of the Hanseatic Republics aforesaid, shall, at the expiration of twelve years from the date hereof, give or receive notice of the proposed termination of this Convention, it shall, nevertheless remain in full force and operation, as far as regards the remaining Hanseatic Republics, or Republic, which may not have given or received such notice.

#### ARTICLE XX.

The present Convention being approved and ratified by the President of the Republic of Texas, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen and Hamburgh, the ratifications shall be exchanged at the City of Galveston, within twelve Months from the date thereof, or sooner if possible.

In faith whereof, we the Plenipotentiaries of the Contracting Parties, have signed the present Convention and have thereto affixed our seals.

Done, in quadruplicate, at Paris, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and forty four, in the eighth year of the Independence of the Republic of Texas.

W.M. HENRY DAINGERFIELD.

391.

[Seal.]

V. RUMPF

[Seal.]

DAINGERFIELD TO JONES.<sup>a</sup>

PARIS April 22nd 1844

Hon ANSON JONES

*Secretary of State*

SIR

Mr Bourgeois d'Orvanne, who is already known to you so well that an introduction would be needless, is about leaving for Texas. Our Government in confiding to him a large grant of Land and the negotiation of a Loan in Europe has shown the estimate which it placed upon his character.

His exertions to render efficient his Grant in the manner most useful to the country, and beneficial to all concerned have been constant and untiring, and he has spared neither time, money nor trouble to bring his enterprise to a successful issue. Of his success with the German society for the "Protection of Emigrants to Texas," I have already spoken in my dispatch, by Mr Castro, of the 20th. of

<sup>a</sup> See Records of Department of State (Texas), Book 42, p. 496.

this month. The result of that success will be that the whole flood of German Emigrants will be, through their means directed towards Texas; but His Serene Highness, Prince Charles of Solms, who is accompanied by Mr Bourgeois, will explain all this, and will fully lay before you all their plans.

Accept Sir, the assurances of the distinguished consideration with which I have the honor to remain,

Yr most Obdt humble Svt

WM HENRY DANGERFIELD

*Chargé d'Affaires of Texas at the Hague.*

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DAINGERFIELD TO JONES.<sup>a</sup>

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DAINGERFIELD TO JONES.<sup>b</sup>

THE HAGUE July 28th 1844

To the Hon. ANSON JONES  
Secretary of State

The last despatch which the Undersigned Chargé d'Affaires of Texas at the Hague had the honour to address his Excellency the Secretary of State was dated Paris April 22nd 1844, and entrusted to the care of Mr. Henri Castro,<sup>c</sup> together with the treaty just then concluded with the Hanse towns. Mr Castro was furnished with written instructions by the Undersigned to forward the treaty and despatches through the Consul at London in case his journey should be unexpectedly terminated in England, or through the nearest Agent of the Republic in the United States in case he should be prevented from prosecuting his intended trip to Texas. The Undersigned has received information of the safe arrival of Mr. Castro at New Orleans on the 19th of June and of his intention to prosecute his journey to Texas by the Steamer of the 22nd of same month.

The Undersigned has lately recd. from Mr Henry F Fisher a communication dated at Bremen May the 8th by which he is informed that Mr Smidt President of the Senate of that city had stated to Mr F that on that day the treaty would be ratified by the Senate of Bremen and that in anticipation of such a ratification on his Mr. Fs request an Exequatur had been granted him as Consul of the Republic of Texas for the Port of Bremen. The Undersigned at the date of his last despatch was not aware of the appointment of Mr Fisher to that Post and he consequently reccommended to His Excellency the

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<sup>a</sup> April 22, 1844. See Calendar.

<sup>b</sup> A. L. S. Though written from the Hague, the letter refers mainly to relations with the Hanse Towns and with Belgium.

<sup>c</sup> Castro must have carried the despatches both of the 20th and the 22d of April.

Secretary of State (at the suggestion of Mr Smidt President of the Senate of Bremen communicated through the Minister Resident at Paris) a Mr Kulenkampff as a proper person for Consul of the Republic in that City. As to the appointment of Consuls the Undersigned would beg leave to suggest, that no difficulty whatever exists in obtaining the acceptance of that office by Gentlemen of the first commercial standing in any of the Sea-Ports of Europe. The Title, the Uniform the exemption from certain military duties which it affords are in the eyes of the most wealthy attractions which more than counterbalance, the labour the trouble and the expence incident to the appointment. On the other hand in the present limited state of our commerce, the office can be of no profit or benefit to any citizen of the Republic. As far as the experience of the Undersigned goes the foreigner brings to the discharge of his duties, much zeal, much energy, the already acquired confidence of those among whom he lives and consequently great efficiency. Whilst on this subject the Undersigned would beg leave to pay a well merited tribute, to the Consuls at Amsterdam and at Rotterdam, Messrs Herckennrath and Crooswick for the active zeal and interest which they have at all times and [under] all circumstances manifested for the well being of the Republic which they so creditably represent.

Since the last despatch of the Undersigned nothing has transpired in reference to the negotiation with Belgium, which can lead the undersigned to conclude at what time the affair may be definitely arranged. The last interview which the Undersigned had with the Minister of Foreign Affairs at Brussels on the 15th instant, was not as satisfactory as might have been desired. The pending application of the Goverment of Texas for annexation to that of the U States was made the ostensible ground of delay. The real cause is the timidity of the Minister who fears to give offence to the numerous parties interested in the scheme of Guatemala colonization. But despite of the coldness of the Minister the Undersigned has the utmost confidence in his ultimate success. The grounds of this confidence are the very strong desire which exists on the part of several of the most wealthy and influential merchants of Antwerp, with whom the Undersigned was put in communication by Mr Vandenbergh a Gentn in every way worthy of the confidence which the Executive of Texas has lately shewn him. From these Gentlemen the Undersigned recd the most positive assurance that he might daily expect the accomplishment of his wishes. The Undersigned is indeed very desirous to accomplish this negotiation and despite of his anxiety to return to his home and his private affairs, he will if it seem good to his Excellecy the Secretary of State to remain in Europe untill its accomplishment sets the seal to the work which His

Excellency has entrusted to his care, and which it touches his honour and his honest pride to bring to a successful termination.

His Excellency the Secretary of State will permit the Undersigned to suggest, that in the present exceedingly uncertain state of the question of annexation it would seem trusting too much to the doubtful hazard of that event to relax much less to abandon our relations with European Powers. In the absence of any Instructions, the Undersigned has met the objections made to our pending application for annexation, as suspending our national existence by the remark that we must treat affairs as we find them actually existing, that diplomatists must deal with facts and not with probabilities much less with possibilities. That in this light the nationality of Texas must be viewed, and consequently its actual and existing capacity to enter into negotiations must be considered. That annexation can only be considered as a possibility or if you please, a probability of greater or less intensity, or more or less remote. But still only a probability. That there is not a Government in Europe which may not possibly or even probably change its form—and that within a space of time more brief than that required for annexation. And yet that no one would think of raising this possibility or probability as an objection to the formation of merely commercial treaties, on the footing of perfect reciprocity.

In addition to the accomplishment of a treaty of commerce with Belgium, the Undersigned only awaits the instructions of his Excellency the Secy of State as to the steps which must be taken to render available that article in the treaty lately concluded with the Hanse towns, whereby the States of the German Confederation are admitted as Parties upon the filing of an official declaration of their wishes in that regard. The promptness of the Senate of Bremen in ratifying this treaty may be considered as a fair exponent of the favourable light in which it will be viewed by the German States and a forerunner of the readiness with which they will avail themselves of its provisions. Their acceptance of the treaty will enable the Government of Texas to nominate Consuls of the highest respectability throughout all that portion of Europe, and thus correct information and efficient aid will be rendered to immense numbers desirous of Emigrating from that quarter.

Since the commencement of this despatch the Undersigned has recd a letter from Mr. Maximilien Vanderburgh of Antwerp, the Gentleman hereinbefore mentioned, stating that the Chamber of Commerce of that City, had the day before adopted the resolution of forwarding an official petition to the Minister of Foreign Affairs of Belgium requesting the immediate recognition on the part of the Belgian Goverment of the Goverment of Texas, and the opening of

negotiations for a treaty of commerce. So respectable an interposition cannot be without great weight and consequent influence and the Undersigned has great confidence in its speedy and complete success.

The Undersigned has the honour to remain with great respect His Excellency's Most Obedt Svt

Wm HENRY DAINGERFIELD

*Chargé d' Affaires of Texas  
at the Hague*

Hon ANSON JONES  
*etc. etc. etc.*

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HUGHES TO JONES.<sup>a</sup>

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DAINGERFIELD TO SIEVEKING.<sup>b</sup>

[Asks an interview for the purpose of presenting his credentials as chargé d'affaires to the city of Hamburg.]

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DAINGERFIELD TO JONES.<sup>c</sup>

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DAINGERFIELD TO GILDMEISTER.<sup>d</sup>

LEGATION OF TEXAS  
*Hamburg 21st. Decr. 1844*

To His Excellency  
Senator GILDMEISTER  
*Bremen.*

SIR

Yours of the 12th inst. announcing the Ratification of the treaty by the Senate of Bremen has been received. I am glad that our Sister Republic has found it good to give the finishing stroke to that golden link of amity and commerce which will I trust forever bind her and Texas together in the bonds of mutual good fellowship and peace. Believe me my dear Sir I would have most willingly made the alteration in the treaty desired by you in the conference with which you honoured me at Hamburg, had I not deemed it my duty to my country to shew the Senate of Hamburg that however dispossessed to afford reasonable indulgences to the fears of Rapine and plunder by the President of Mexico on the point of the latter, we were not disposed to depart from the terms of a written agreement, without some

<sup>a</sup> July 30, 1844. See Calendar. Cf. same to same, June 10, 1839, in Correspondence with Great Britain.

<sup>b</sup> October 9, 1844. See Records of Department of State (Texas), Book 55, p. 105.

<sup>c</sup> November 8, 1844. See Calendar.

<sup>d</sup> See Records of Department of State (Texas), Book 55, pp. 112-113.

promise that such a departure would be followed by definite and favourable action on the part of the Authorities of this place.

I beg you Sir, to convey to the Authorities of Bremen my most sincere congratulations on this auspicious event and to accept for yourself the assurances of the exalted consideration and distinguished respect with which I have the honour to remain

Yr Excellency's

Most Obedient Svt

(Signed)

Wm HENRY DAINGERFIELD

*Chargé d'Affaires of Texas  
near the free Cities of Germany.*

SIEVEKING TO DAINGERFIELD.<sup>a</sup>

SIR

Having taken into consideration, the tenor of this morning's conversation in which on the eve of your departure for Berlin, you urged the necessity of a decision respecting the convention negotiated by you in behalf of the Republic of Texas with the Hanseatic Minister at Paris, I have the honor to state that owing to different circumstances, it appears desirable to postpone the continuation of this negotiation, for a period which I most sincerely wish to see abridged by the course of events. I hope the convenience of Your Government and your own will not oppose the acceleration of your return to Hamburg in case this anticipation should be realized.

Believe me with the highest regard

Sir

Your Most obedient,  
humble servant

(Signed)

R SIEVEKING

HAMBURGH 13th January 1845

To Colonel DAINGERFIELD

*Chargé d'Affaires of the  
Republic of Texas.*

DAINGERFIELD TO TERRELL.<sup>b</sup>

LEGATION OF TEXAS, AT

Hamburg 14th January 1845

Genl. G. W. TERRELL, *Chargé d' Affaires  
of Texas at London.*

MY DEAR SIR

A hearty sincere and affectionate wellcome to Europe, first, a deep sigh that I cannot come to London to see you, and then let me talk to you of business, for I am much pressed for time and write this

<sup>a</sup> See Records of Department of State (Texas), Book 55, p. 113.

<sup>b</sup> See Records of Department of State (Texas), Book 55, pp. 109-111.

in order to put you in full possession of the facts of my very painful position here. Last winter as you well know, I negotiated a treaty with the Hanz towns of which Hamburgh is the principal and by consequence the residence of the Diplomatic Agents. Having found that there were difficulties thrown in the way of the ratification of the aforesaid treaty, by the several senates, and that some sinister hand was putting stumbling blocks in my way I left the Hague in Sept. last and came immediately here, determined to bring the affair to a conclusion in one way or the other. Shortly after my arrival the Mexican Resident here protested agst my reception, and for some days all the vessels in the harbour, bound to Mexico were detained in consequence of this Protest. The Merchants of Hamburgh were in the greatest alarm least Santa Anna would lay violent hands on their effects in Mexico as a punishment, for having dared to receive within their city an Envoy from the Rebel Texans. The Mexican Resident demanded of the Senate that they should signify that my presence was not agreeable and the Senate with the timidity which characterises all commercial bodies no doubt wished that I had been drowned in the North Sea on my passage over from Holland. At the first interview I gave them to understand that whilst I would leave no means unturned to deprecate the effects of Santa Annas dreaded wrath towards them, yet there was one point that the honour of my Country would not permit me to have concealed or denied, and that was their complete recognition of Texas from the day of their acceptance of my full powers. Of course this decided step had the desired effect of putting an end to the question of my being asked to depart as under my view of the Case, to do so was no longer practicable short of a down right violation of international law. Having thus established a foothold I was determined to leave the rest so far as Hamburgh was concerned, to time which in the end sets all things right. But I continued my advances on Bremen cautiously, prudently but decidedly. An Envoy was sent over to confer with me on the part of that city. I succeeded in alarming him by an *indifference* as to the treaty, which was *not very forced*, so disgusted had I become with all the pettiness of the affair. He returned home in a fright and the treaty was at once ratified by Bremen. The affair still drags on with Hamb[ur]g and Lubeck. I had a conference with the Minister of Foreign Affairs or Syndic yesterday. The aspect of things, on the other side of the Atlantic has lowered his tone, and he requests as a favor that the negotiation should be postponed for a few months, intimating at the end of that period that the treaty should be ratified. This I took the precaution to obtain in writing so that with a little patience I am sure of success.

I confess that I have been so *worried* and *badgered* that I am most eager and anxious to defeat the Mexican Machinations in an affair

which has made some noise in the diplomatic Circles of Europe. For Gods sake do not let the Texan Govert step in, in a manner to spoil all. Instead of weakening my position they should strengthen it by all the means in their power. I have served my country faithfully and well to the best of my poor abilities. I trust they will not desert me in the hour of necessity. Will you at once communicate all these circumstances to them, and request, that whatever may have been their previous disposition in my affair, that they will do nothing which may have the appearance of casting a censure on my conduct. I leave for Berlin, tomorrow where I hope to hear from you, as soon as you arrive in London. Direct your letter, Hotel de Russie, Berlin Via Ostend. My business in Berlin is to attend to the German Association for the protection of Emigrants to Texas. I shall write you again from that city. God bless you and believe me etc. etc.

(Signed) Wm HENRY DAINGERFIELD  
*Charge d'Affaires etc.*

SMITH TO DAINGERFIELD.

DEPARTMENT OF STATE  
 WASHINGTON ON THE BRAZOS

February 13, 1845

SIR

In the appropriation bill passed by the Congress of Texas at their recent session, no sum was set apart for the missions with which you are charged. In this state of things His Excellency the President cannot consistently with his ideas of justice to yourself ask you to remain at your post. At the date of our last advices from Washington on the Potomac, several propositions for the annexation of Texas were under discussion by the American Congress; some one of which that may be acceptable to this country, it is hoped will be adopted. This event would terminate our foreign relations. If however, no acceptable measure of annexation shall be passed by the Congress of the U. S. this Gov. will then consider the propriety of entering into arrangements with other Governments, which arrangements would have for their object the developement of our agricultural resources and the increase of our commerce. Should any negotiations of this nature require to be conducted in Europe, it will be advisable that the person empowered to conduct them on the part of Texas shall have previously a full personal communication with His Exy the President in order that he may be clearly possessed of the views of this Gov. and the wishes of our citizens.

The Senate refused to confirm the nomination of the Hon G. W. Terrell.<sup>a</sup> If annexation do not take place, an appointment will be

<sup>a</sup> Cf. Terrell to Daingerfield, March 22, 1845, in Correspondence with Great Britain.

made of a gentleman to reside near the Courts of Great Britain and France in the quality of Minister Chargé d'Affaires of Texas.

In view of the above facts and considerations H. E. the P deems it on the whole expedient that you should avail yourself of the leave of absence you asked for, last year, and return to Texas at your earliest convenience. I am also instructed by the President to say that the manner in which you have executed the duties of your mission has been entirely satisfactory to His Excellency.

I have the honor to be

Yr Vy Obt St

Hon W. H. DAINGERFIELD

*etc. etc. etc.*

DAINGERFIELD TO ALLEN.<sup>a</sup>

LEGATION OF TEXAS AT THE  
Hague Vienne<sup>b</sup> 1st July '45

To the Hon. the Secretary of

*State of Rep. of Texas*

SIR

It is now some six months since the Undersigned Chargé d' Affaires of the Republic of Texas at the Hague has had the honour to receive any communication from the state department. The communication referred to as received at that date, was dated Washington 9th Decr 1844 and contained simply an announcement of the election of President Jones and of the formation of his cabinet. The Undersigned finding himself without instructions, other than those general ones with which he was furnished at the commencement of his mission, urging upon him the negotiation of treaties with Belgium and the Hanseatic cities and directing him to keep the Chargé d' Affaires of the Republic at London and Paris advised of all his movements, bent all his efforts to the accomplishment of these two objects and communicated regularly to the Hon Ashbell Smith, up to the time of his departure from England, and to his successor the Hon Geo. W Terrell all that he deemed it important for them to know touching the very peculiar and interesting attitude which the treaty negotiated by the Undersigned with the Hanseatic cities had assumed. At the same time he communicated directly to His Excellency the President, the fact that Mexico, and as the Undersigned believed one or more European Powers were endeavouring to render abortive the treaty referred to by preventing its confirmation by the Senates of the Hanseatic cities, and that a strong attempt was had to drive the Undersigned

<sup>a</sup> A. L. S.

<sup>b</sup> Written at Vienna. Though Daingerfield writes as *charge* at the Hague, the subject matter indicates that the letter should be placed in the Correspondence with the Hanse Towns.

from the very favourable position which he had established with those cities. The Undersigned further informed the Representative of Texas at London and Paris, that in despite of these efforts, he had succeeded in obtaining from the Senate of Bremen a confirmation of the treaty and that he had sent the same to Texas by Mr D Klaenner, who left Bremen in the month of December 1844 as Consul for that city at the Port of Galveston. And further that he had obtained from the Secretary of State of the City of Hambg. an implied promise under date of the 18th of January 1845, that if matters continued in the attitude, which they then occupied, that the Senate of Hambg. would also in a reasonable time confirm the treaty. That the Undersigned deeming it of the highest importance that the good will of the Zollverrein or Germans Customs Union towards the Republic of Texas should be propitiated not only with reference to future commercial relations; but as having an important bearing on the so much desired confirmation of the treaty in question, had repaired to the Court of Prussia, the head and Principal of said Customs Union, and had there put himself in communication, with the President of the Department of Commerce, His Excellency Baron Roenne and with his Royall Highness Prince Frederick of Prussia, and that the result of these interviews was highly satisfactory. That having accomplished this he had repaired to the Court of Austria with the like views and intentions and that he had been arrested in his plan of operations, by the passage of the Law of the Congress of the United States for the annexation of Texas, which placed the future condition of the Republic in so doubtful an attitude as to render for the moment all further operations in any quarter impossible.

The Undersigned finding himself in this position deemed it due to the honour of the Country he represented not to present himself either at the Bar of the Senate of Hamburgh, or at the Court of Belgium, untill the question of Annexation had been determined. From all that the Undersigned can learn he entertains no doubt that by this time the People of Texas have determined upon a surrender of their independent and seperate existence, and have already become a member of the great American family. It thus becomes the duty of the Undersigned to request at the hands of the Hon the Secretary of State instructions as to the manner in which this fact shall be communicated, to the Goverments near which the Undersigned is accredited. A decent regard for Public opinion and a proper sense of gratitude, towards those Goverments which have held out the hand of friendship and recognition, would seem to require a particular and formal announcement of the fact that the nationality which they so kindly and frankly acknowledged has for motives of paramount public good ceased to exist. The Undersigned would therefore respectfully request the Hon the Secretary of State to forward to him,

at the Hague, to the care of the American Legation at that Court, instructions not only on this head, but further as to what disposition it may please the Hon Secretary to have made of the Archives of the Legations at the Hague, Brussels and the Hanseatic Cities, now in his possession and safe keeping. The Undersigned has delayed this communication, untill the convocation of the Texan Congress rendered it probable that the question of annexation would speedily be disposed of, and further, untill the safe opportunity afforded by the departure of a Special Courrier, as bearer of Despatches to the Government of the United States, afforded the certainty that this despatch would reach the hands of the Honourable the Secretary of State of the Republic of Texas, without being subjected to the chances of dishonourable violation, from which communications on public matters forwarded by the ordinary course of the Post are not at all times exempt.

The Undersigned avails himself of the present opportunity to renew to the Hon the Secretary of State, the expressions of the high consideration with which he remains the Hon Secretary's

Most Obedt. Servt.

WM HENRY DAINGERFIELD

*Chargé d' Affaires of Texas*

*at the Hague, Belgium*

*and the Hanseatic Cities*

To

The Honourable,

The Secretary of State,

of the

Republic of Texas

*Washington, Texas*

DAINGERFIELD TO SMITH.<sup>a</sup>

VIENNA 1st. July 1845

Honble A SMITH

*Chargé d' Affaires of Texas*

*At London*

MY DEAR SMITH

I wrote to you on the sixth of last month (June)<sup>b</sup> and addressed my letter to the care of L M Rate Esqr Texan Consul Genl at London No 15 Bishops Gate Street. To that letter as yet I have received no answer. The near approach of the period when I am under a promise to give to the Honble Senate of Hamburg a definite answer on the question of Annexation by which their course with reference

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 137-141.

<sup>b</sup> This letter has not been found.

to our treaty will be determined, naturally renders me exceedingly anxious to hear something from some authorised Agent of the Texan Goverment, as to the probable result of that question; so that in case I shall not by the end of the present month (the time agreed upon with the Honble Senate) [be prepared] to speak definitely, I may at least be able to say something which shall have a better foundation than the mere rumours and reports of the miserable American journals. You may remember that I kept you advised up to the very moment of your departure from England for the U S of the curious attitude which Texan affairs had assumed in the North of Europe and of the manifest scheme which had been concocted at Hamburgh to drive me from the favourable position which after great labour I had succeeded in Establishing for Texas, with the Hanseaticque cities. Your answer to that letter <sup>a</sup> written the very day of your departure from England for Texas assured me that you would duly lay before the Govt at Home the position in which I was placed and you were pleased to say that you would not fail duly to represent to the Texan Goverment the efforts I have made and the success I had obtained in the cause of the Country. After your departure from Europe, I succeeded in obtaining despite of the intrigues at Hamburgh a separate ratification by the Senate of Bremen. This ratification I sent home in December last by Mr Klaenner, Consul for the Port of Bremen at Galveston, under the treaty. No acknowledgement of its reception by the Texan Govt has ever been sent to me. I wrote to the actual President and to the Ex President of the Republic. No answer!! On hearing of your appointment as Secretary of State of Texas, I was sure that the embarrassment of my position would be removed. I was sure that you who were so well acquainted with all these matters would give me your views on them. But my communications from the Gouverment of Texas, have been solely restricted, to a communication from the acting Secretary of State of Texas of the Election of President Jones and the formation of the new Cabinet. In the absence of a Chargé d' Affaires at London I communicated regularly with Mr Rate the Consul Genl at London and on the arrival of Genl Terrell with him. In my letters I informed them both that I had determined to go to Berlin, as I saw from a conversation with the Secretary of State at Hamburgh that nothing could be done by remaining longer there; but that by feigning to open negotiations with the Zoll-Verrein, the jealousy of the Senate would be awakened. This I accordingly did. The passage of the Law of the Congress of the U S for the annexation of Texas arrested me in the midst of these operations. I then determined to await here at a distance from all the courts with which I had opened

<sup>a</sup> No letters exchanged between Daingerfield and Smith near the time of Smith's departure from England have been found.

communications the final result of this question of annexation and here I am still abiding its result. In this course I was guided by the opinion that with me it was a paramount duty to maintain unqualifiedly the separate nationality of our country up to the moment when I was informed officially that that nationality had ceased to exist; of the correctness of this determination I am fully satisfied, not only by mature reflexion but by the concurring opinion of those in whose sound judgment and intelligence I have the greatest confidence. The news from America justified our entertaining the opinion that the Texas Congress will agree to the plan of annexation proposed by the United States. In that event is it not so that all our foreign relations cease and are at an end. What is the better opinion on this head. But be this as it may a decent respect for the courtesies of life requires, that the fact should be officially communicated to the Goverments of those countries who have honoured us with their recognition and contenance during the period of our national existence. Such seems to me emphatically the case with reference to Holland which was the earliest of our friends. I think that they should be reminded of this at home where they are of course not so precise in these matters. I pray you on the receipt of this write to me and give me your ideas at large on the various topics of this letter. I send this under cover to an American<sup>a</sup> friend who will hand it to you in person or see that you get it. I have great confidence in your opinions and therefore desire to have them in extenso. I shall await here an answer from you to this, and some thing definite and certain on the subject of annexation. I remain very sincerely your friend and Obdt Svt

(Signed)

WM HENRY DANGERFIELD

*Chargeé d' Affaires of Texas  
at the Hague*

DAINGERFIELD TO SMIDT.<sup>b</sup>

[Transmits Daingerfield's letters of credence as *chargeé d'affaires* of Texas at Bremen.]

SMIDT TO DAINGERFIELD.<sup>c</sup>

[Acknowledging the receipt of Daingerfield's letters of credence, and adding a cordial expression of the good will of Bremen for the people of Texas.]

<sup>a</sup> On the margin of the record book is written, evidently by Daingerfield referring to his "American friend", "N. B. Mr Charles Chouteau then in London, frm. whom by due course of Mail I recd. an answer stating that my letter had reached Mr Smith—from Mr. Smith no answer ever reached me." Cf. note b, p. 1523.

<sup>b</sup> August 26, 1845. See Records of Department of State (Texas), Book 55, pp. 145-146.

<sup>c</sup> August 28, 1845; a copy of the German. See Records of Department of State (Texas), Book 55, p. 146.

DAINGERFIELD TO SIEVEKING.<sup>a</sup>

HAMBURG 1st. October 1845

To His Excellency

SYNDICUS SIEVEKING

Col Daingerfield requests His Excellency Syndicus Sieveking to grant him the Honour of a few moments conversation at as early a period as may suit His Excellencys convenience.<sup>b</sup>

DAINGERFIELD TO ALLEN.<sup>c</sup>

CITY OF AUSTIN 2nd. February 1846

To the Hon E ALLEN

*Secretary of State.*

The Undersigned late Chargé d' affaires of the Republic of Texas to the Kingdoms of Holland Belgium and the Free Hanseatic Cities of Hamburgh Bremen and Lubeck has the Honour to Report to the Hon E Allen Secretary of State of the Republic of Texas his arrival at the Seat of Goverment, and herewith to transmit to the Hon Secretary of State the Archives of the missions entrusted to his charge.

The Undersigned avails himself of this occasion to express to the Hon Secretary of State the sentiments of high consideration with which he remains, the Hon Secretarys

Most obedient

Servant

Wm HENRY DAINGERFIELD

*late Chargé d' affaires  
etc. etc. etc. etc.*

<sup>a</sup> See Records of Department of State (Texas), Book 55, pp. 149-150.

<sup>b</sup> Written under this is the following note in the record book by Daingerfield (*Of. note b*, p. 1528):

The interview desired in the above note was granted by His Excellency on the same day at the Rath or Senate House at Hamburgh. The minutes of the conversation then had were that although the official information of the annexation of Texas had not yet reached Col Daingerfield yet he had no doubt that it would be consummated. That Col Daingerfield expected daily orders from his Goverment to close the diplomatic relations existing between the Republic of Texas and the Hanseatic cities, which he should immediately communicate to His Excellency and through him to the Senate of Hamburgh. In the meantime Col. Daingerfields departure for London, should be considered as *in no manner* wanting in respect to the Honourable the Senate of Hamburgh, and that any further communication from the Goverment of Texas to the Senate of Hamburgh might be forwarded from that city.

In pursuance of the conversation had with Snydicus Sieveking the Minister of Foreign Affaires for the City of Hamburgh, as detailed in the memorandum on page 149 of this Book The Undersigned took his departure from Hamburgh for London on the 18th of October 1845. On arriving in London the Undersigned had an interview with Lacklan M Rate Consul General of the Republic of Texas, and learned from him that the diplomatic relations between the Republic of Texas and the Goverment of her Majesty the Queen of Great Brittain were considered as closed.

Not finding in London the despatches which he expected from the Goverment of Texas, the Undersigned took his Departure from Liverpool on the 4th of November 1845 on Board the Steam Ship Britannia for Boston, and proceeding to Texas reached the city of Galveston on Saturday the 17th day of January 1846.

Wm HENRY DAINGERFIELD etc. etc. etc.

<sup>c</sup> See Records of Department of State (Texas), Book 55, pp. 150-151.

CORRESPONDENCE WITH THE PAPAL STATES.

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FRANSONIUS TO PRESIDENT OF TEXAN REPUBLIC [BURNET].<sup>a</sup>

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BURNET TO FRANSONIUS.<sup>b</sup>

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<sup>a</sup> July 18, 1840. See Calendar.

<sup>b</sup> December 24, 1840. See Calendar.



## ADDENDA AND CORRIGENDA.

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### PART I.<sup>a</sup>

The following letters should have been calendared and the texts omitted:

Santa Anna to Jackson, July 4, 1836, printed in *Niles' Register*, LI, 336.

A list printed in *House Journal*, 5th Tex. Cong., Appendix, 11-18, as follows:

Burnet to Dunlap, January 10, 1840.

Dunlap to Burnet, February 24, 1840.

Dunlap to Lipscomb, March 27, 1840.

Lipscomb to Bee, March 31, 1840 (extract).

Dunlap to Poinsett, April 16, 1840.

Lipscomb to Bee, August 8, 1840 (extract).

Waples to Bee, September 30, 1840 (extract).

These two, printed *ibid.*, 139-141:

Arbuckle to Lamar, April 28, 1840.

Archer to Arbuckle, June 11, 1840.

### Additional Notes and Text Revisions:

P. 90 to note <sup>b</sup>, add: See Gammel, *Laws of Texas*, I, 18.

P. 91, par. 2, l. 4, after "of", insert [—].

P. 113, par 8, l. 9, after "place", insert [peace].

P. 124, par. 4, l. 6, for "sould" read should.

P. 146, note <sup>c</sup>, add: The proclamation is printed in *Niles' Register*, L, 335.

P. 166, with index in par. 3, l. 13, after "men", add note: <sup>d</sup>I. e., the supporters of Hugh L. White, of Tennessee, who had been a candidate for the presidency in the election of 1836.

P. 218, with index in par. 3, l. 3, after "concern", add note: <sup>e</sup>The Texan vessel *Independence*, with Wharton on board, was captured by two Mexican vessels near Velasco, April 17, 1837. See *Telegraph and Texas Register*, June 8, 1837.

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<sup>a</sup>The references in this list are to page, paragraph beginning on the page, and line; or to title or note and line.

- P. 267, with index in par. 1, l. 5, after "acquisition", add note: <sup>a</sup> The correspondence here referred to must be that contained in *House Docs.*, 25th Cong., 1st Sess., I (serial No. 311), Doc. 42. The correspondence of Hunt with the United States government to which he refers in this paragraph must be that concerning annexation.
- P. 318, par. 5, l. 2, after "8th", insert [9th].
- P. 352, with index in l. 2, after "body", add note: <sup>a</sup> For a translation, see *Senate Docs.*, 32d Cong., 2d Sess., III (serial No. 660), Doc. 14, pp. 13-17. Change index of the other note on the page to <sup>b</sup>.
- P. 379, par. 3, l. 1, after "16th", insert [14th].
- P. 389, with index in par. 2, l. 1, after "sell", add note: <sup>a</sup> I. e., to sell the Mexican claims to lands claimed also by Texas. Make proper changes in indices of other notes on the page.
- P. 390, change period at end of note <sup>a</sup> to semicolon and add: and that the mention of Kendall to Stayner, August 1, 1837, which is not copied in Book 41, but the original of which is on file, follows Kendall to Dunlap, May 25, 1839, with which it was inclosed.
- P. 393, following the letter of Kendall to Dunlap, add: [Inclosed in the above was a copy of Kendall to Stayner, August 1, 1837.]
- P. 399, par. 1, l. 16, after "indutiable", insert [indubitable].
- P. 412, l. 4, after "defect", insert [defeat]; with index in par. 3, l. 12, add note: <sup>a</sup> See Correspondence with the Papal States in Part II.
- P. 424, l. 8, for "Farro" read F.
- P. 440, l. 4, for "than" read that.
- P. 442, with index after "Rawson" in line ending with that name, add note: <sup>b</sup> Entry made in Department of State at Houston. Make proper changes in indices of other notes on same page.
- P. 445, l. 12, after "court", insert [my opinion].
- P. 450, with index in l. 33, after "States", add note: <sup>a</sup> See Dunlap to Poinsett, April 16, 1840 (p. 446). Change index of the other note on the page to <sup>b</sup>.
- P. 451, after "5th" in date of Bee to Forsyth, insert [25th].
- P. 453, par. 1, l. 3, after "29th", insert [25th (?)].
- P. 457, with index in par. 2, l. 2, after "1838", add note: <sup>a</sup> The reference should be to Catlett to Irion, Dispatch 36, June 22, 1838.
- P. 460, par. 1, l. 2, after "6th", insert [16th].
- P. 462, with index in par. 1, l. 1, after "damages", add note: <sup>a</sup> See Burnet to Dunlap, January 10, 1840 (p. 463). Make proper changes for indices of other notes on same page.

- P. 467, with index in par. 4, l. 3, after "date", add note: <sup>b</sup> It may be that the "Communication" referred to included copies of Wright to Bee of July 27 and August 18, 1840. See Correspondence with Mexico in Part II.
- P. 468, l. 7, after "15th", insert [12th].
- P. 473, in date of Bee to Forsyth, after "14", insert [15(?)].
- P. 479, with index in l. 9 after "Texas", add note: <sup>a</sup> Burnet was at this time acting president, Lamar being ill. Change index of the other note on the page to <sup>b</sup>.
- P. 482, par. 1, l. 6, after "negotiation", insert [recognition(?)].
- P. 486, with index in par. 2, l. 2, after "subjoined", add note: <sup>a</sup> The note copied was doubtless that of April 12. Make proper changes of indices for other notes on same page.
- P. 487, par. 1, l. 5, after "I", insert [n].
- P. 491, par. 1, l. 4, for "Belguim" read Belgium<sup>a</sup> and add note: <sup>a</sup> There was no treaty with Belgium.
- P. 492, with index in par. 1, l. 8, after "know", add note: <sup>b</sup> See *Quarterly of the Texas State Historical Association*, VII, 98-107; with index in par. 2, l. 9, add note: <sup>c</sup> Of the two sentences in this paragraph, the first should end with "expelled". There should be a comma after "Texas".
- P. 493, with index at par. 2, l. 2, after "Webb", add note: <sup>a</sup> Judge Webb was not "of Mexico", but had lately been appointed to go thither as Texan agent. Change the index of the other note on the page to <sup>b</sup>.
- P. 497, par. 2, l. 15, for "or" read [f] or.
- P. 506, change note <sup>a</sup> to read: This note was inserted by some one in the Department of State at Austin. The copy mentioned has not been found.
- P. 510, with index in l. 2, after "colony", add note: <sup>a</sup> See Camacho to Pakenham, June 8, 1841, inclosed with Webb to Mayfield, June 29, 1841; par. 2, l. 4, after "digested", insert [one].
- P. 511, par. 4, l. 11, after "24th", insert 34th; with index in par. 5, l. 7, after "Nacogdoches", add note: <sup>a</sup> The original probably had Natchitoches.
- P. 517, with index in par. 1, l. 3, after "Netherlands", add note: <sup>a</sup> For the treaty with Great Britain, see *House Docs.*, 28th Cong., 2d Sess., III (serial No. 465), Doc. 98, pp. 1-5. For both, see Gamble, *Laws of Texas*, II, 880-885, 905-912; *Telegraph and Texas Register*, February 10, 1841.
- P. 537, with index in par. 1, l. 16, after "Texas", add note: <sup>a</sup> See Gamble, *Laws of Texas*, II, 662.
- P. 538, par. 1, l. 10, after "and", insert [made].
- P. 559, to note <sup>b</sup> add: The "28th" should doubtless be the 25th.

- P. 560, l. 9, after "river", insert [the interchange].  
 P. 563, note <sup>a</sup>, add: In consequence of the raid of Vasquez in March, 1842, the government had been moved by the president to Houston; but the citizens of Austin refused to surrender the archives.  
 P. 569, with index in par. 2, l. 3, after "loan", insert note: <sup>b</sup> Daingerfield was secretary of the treasury of Texas at the time, and must have been commissioned as a loan agent, but no copy of his commission has been found. Complaints relative to his absence in the *Telegraph and Texas Register* of September 21, 1842, indicate that his mission was kept secret. Change index of the other note on the page to <sup>c</sup>.

With index in par. 6, l. 4, after "blockade", add note: <sup>d</sup> Dated March 26, 1842. See *Telegraph and Texas Register*, March 30, 1842.

- P. 579, l. 26, after "permitted, and", insert [the want of it].  
 P. 598, with index in par. 2, l. 4, after "Texas", add note: <sup>e</sup> Inadvertently written for the United States.  
 P. 610, l. 10, after "and", insert [for the sake of]; with index in par. 3, l. 5, after "blockade", add note: <sup>f</sup> See *Telegraph and Texas Register*, September 14, 1842.  
 P. 612, par. 1, l. 2, after "Undersigned", insert [would say that].

*Corrections:*

- P. 9, l. 2, after "States", insert 1835-1842.  
 P. 15, l. 50, for "[Roberts]" read [Webster].  
 P. 23, Table 2, under "Van Zandt" insert Henderson, J. Pinckney. Appointment: February 15, 1844. Remarks: Recalled, May 17, 1844.  
 P. 35, par. 4, l. 1, for "Jones to Van Zandt" read Van Zandt to Jones; par. 5, l. 1, same correction.  
 P. 66, next above "AUSTIN, ARCHER, AND WHARTON 'TO THE PUBLIC'", insert "AUSTIN TO OWINGS". Add note: <sup>g</sup> See AUSTIN, ARCHER, AND WHARTON TO SMITH, February 16, 1836, and change indices <sup>h</sup> and <sup>i</sup> to <sup>j</sup> and <sup>k</sup> respectively.  
 P. 69, delete "AUSTIN TO OWINGS <sup>l</sup>".  
 P. 70, for "Austin to [Smith(?)]", read AUSTIN TO BARRETT. To note <sup>b</sup> add: D. C. Barrett, to whom this letter was written, was a prominent member of the Council of the Provisional Government of Texas.  
 P. 70, note <sup>a</sup>, for "1834" read 1824.  
 P. 84, for "BURNETT" read BURNET.  
 P. 90, note <sup>a</sup>, for "following" read followed.  
 P. 135, next above "AUSTIN TO WHARTON" insert "COMMISSION OF WHARTON AS MINISTER TO THE UNITED STATES." With index at "STATES" in this title, add note: <sup>l</sup> See Austin to Wharton, November 18, 1836, and change the other index <sup>o</sup> to <sup>q</sup>.

- P. 140, delete "COMMISSION OF WHARTON AS MINISTER TO THE UNITED STATES".
- P. 187, date "WHARTON TO RUSK" February 16, 1837.
- P. 212, note <sup>a</sup>, for "Jones to Forsyth, March 28, 1837," read Catlett to Henderson, April 29, 1837.
- P. 235, note <sup>a</sup>, l. 2, for "21, 22, and 23" read 20, 21, and 22.
- P. 245, delete matter in brackets under "KENDALL TO STAYNER", and change note <sup>a</sup> to "See Dunlap to Webb, May 29, 1839."
- P. 252, in title "Proclamation" etc., for "LEGISLATURE" read CONGRESS.
- P. 260, par. 6, l. 5, delete "[and]."
- P. 364, second line in brackets, for "Jones to Forsyth, March 10, 1839", read Forsyth to Jones, March 11, 1839.
- P. 367, note <sup>a</sup>, l. 4, for "1863" read 1836.
- P. 368, delete "WEBB TO DUNLAP". The same corrections should be made on pp. 372, 376.
- P. 406, omit letter of La Branche to Burnet, repeated on p. 409.
- P. 430, l. 15, delete "[which]."
- P. 439, note <sup>a</sup>, l. 3, for "2" read <sup>c</sup>.
- P. 454, note <sup>a</sup>, for "*Typographical*" read *Topographical*.
- P. 483, in date of Argaiz to Bee, for "1840", read 1841.
- P. 484, par. 1, note <sup>a</sup> should be deleted.
- P. 519, in signature of Brower to Bee, for "I H. Brower," read J. H. Brower.



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